

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

AUGUST 3, 2004

A meeting of the Planning and Economic Development Committee was held on Wednesday, August 3, 2004 at 7:08 p.m. in the Aldermanic Chamber

Chairman David Rootovich presided.

Members of the Committee present Alderman Robert G. Shaw, Jr.
Alderman-at-Large David W. Deane, Member Pro Tem
Alderman Kathryn D. Vitale (@ 7:10 p.m.)
Alderman David MacLaughlin (@ 7:10 p.m.)

Members Not in Attendance: Alderman Richard LaRose, Vice Chair

Also in Attendance: Alderman-at-Large Brian S. McCarthy
Katherine E. Hersh, Div. Director, Community Development
Roger Houston, Director/Manager, Planning Department
Bette Lasky, Nashua City Planning Board
Mike Lowe, Planning Board Liaison
Jay Minkarah, Director, Economic Development
Christopher Hodgdon, President Nashua Chamber of

Commerce

Mark Fougere, Planning Consultant

Chairman Rootovich

Does the committee have any objection if Mr. Brad Whitney were to sit in this evening? He wishes to comment. I will just caution Mr. Whitney that the comments that you make if you make any are kept extremely brief, to the point – that is what I am asking of you.

COMMUNICATIONS - None

UNFINISHED BUSINESS - None

NEW BUSINESS - None

MOTION BY ALDERMAN SHAW TO TAKE O-04-19 FROM THE TABLE
MOTION CARRIED

o-04-19

Endorser: Alderman-at-Large Brian S. McCarthy

AMENDING THE PLANNING AND ZONING ORDINANCES OF THE CITY OF NASHUA IN THEIR ENTIRETY

Chairman Rootovich

At our last meeting we went through Division III. This evening I would like to give an opportunity for anybody who wishes to refer back to Article I, Article III from Division 1, 2, and 3 if there is anything else that they would like to bring to the table before we continue. I would allow that discussion at this time.

Brad Whitney

I wanted to comment when Mr. Houston spoke about the concern of the repair shops being forced out of business. It was thought that they were grand fathered so they weren't going to bring brought out, but you did. Their concern was that if they are waiting for a part and their bays are full and they can't move a car out because of the no parking or something that they would have to pay their employees to stand around and wait for a part whereas if they start on doing some work on a car that is outside the building they can keep their employee productive. That was a concern that I wanted to make sure that the committee was aware of. Thank you.

Chairman Rootovich

Before we start Mrs. Hersh I guess I would ask the question when do you see the individuals who put this together, our consultants, being able to come back to this committee and work with us – changing the language and answering questions – things of that nature?

Katherine Hersh

My understanding is that the money to do that is in the FY '05 budget that is before you that has not passed. At this point, I would not want to commit those funds unless the Board wanted me to do that at this point. I would not be able to recover that in the budget that I have.

Chairman Rootovich

If the budget were to be passed how long would it take for the consultant to come back to our meetings? Is it a relatively quick process?

Katherine Hersh

What we would need to do is come back to the Board with an amendment to the current contract, pass that amendment, and then go forward from there. Whatever that process takes. That process can move pretty quickly. It is probably a 2-3 week process. I would expect – I don't know whether or not Mr. Houston has spoken to the consultants in the last few weeks and what their time constraints are, but generally I think that would – we could give them a heads up tomorrow that this looks like it will come down the line.

Chairman Rootovich

Thank you.

Alderman Deane

I didn't attend the last meeting although I did watch some of it. Could somebody give me an overview of Mr. Whitney's concerns pertaining to automobile repair?

Roger Houston

What he is concerned about – there are certain businesses, auto repair businesses, that will change tires and other things out in the parking lot next to their business or other things like that, and they are concerned that they won't be able to do that in the future. If they are doing it now and they have been doing it they will continue to do it. I don't see a problem with that. The new code requires new businesses to conduct their business inside. There is a concern with opening that particular issue up. Obviously ratchet, wrenches, and other devices to work on cars can make a lot of noise. If you are in a residential unit next door it could be disconcerting I guess depending on the situation. I think that is the issue that he is alluding to. If I am wrong Mr. Whitney..

Brad Whitney

I think very few of those shops are in residential areas. Their concern was that – not to pay an employee to stand around and wait because they can't work on a car in the yard so they need that ability.

Alderman Deane

There are numerous businesses that do that now. I agree with Mr. Whitney. If you have a two bay garage and have an engine out of one car and a transmission out of the other and there are people there that could do other small odds and ends on vehicles that are waiting to get in there.. there are a lot of businesses that have been doing that for years around here. Thank you.

Chairman Rootovich

Is there any further discussion with respect to anything that we talked about last week?

Christopher Hodgdon

There were a few items that we weren't specifically able to address because there was some confusion either about definitions or a question as to specific examples that we were thinking of

in our comments. I can comment on those now.

Chairman Rootovich

Please.

Christopher Hodgdon

I wonder if I could before I do that could I ask some procedural questions – I am wondering how you foresee there being resolution on the comments. I have had a chance to review the minutes. I understand that they are not up on the web site yet, but I did get a copy of them last Friday, and there are a number of cases where there was discussion about either asking the consultants – I think we covered on that just briefly now, but I am wondering with relation to specific recommendations when do you see an opportunity for the sub-committee to either offer amendments or to move on and accept the draft?

Chairman Rootovich

Chris not having the education to draft or the background to draft the necessary language for any amendments I might propose it was my intention, and that is why I supported the \$70,000 at the full Board, is to have the consultants who originally drafted this document to make any of those necessary changes. A recommendation will go back to the Board with the amendments that we would like to see and those amendments will be discussed among this committee and we would vote in favor or against those amendments as they come forth unless Mrs. Hersh or Mr. Houston feels they have the time, the energy, and the expertise at this time to draft those, which my conversation I had with Mr. Houston was that they don't at this time.

That is my intention – is to keep the minutes to the meetings. If you have any specific recommendations I would suggest that you submit those to the committee and to the Planning Department so when the consultant does come on board he will have all of that material and will craft the necessary language to make those changes.

Christopher Hodgdon

Thank you. If we were to refer to the Use Matrix Table, it begins on page 24; there was a lot of discussion about use 57 and 113. I think that a lot of the confusion as to what drive in window or drive in facility means and the restaurant with drive through or drive in facility means. I think a lot of that has been cleared up, however, we do have some additional comments. I would like to enter those now. Specifically if you look at use 57, it is only permitted in the HB district as a permitted use and a conditional use in the general business and general industrial. It would seem appropriate that it would be something that you could also use in the PI or an AI and possibly in the CI district.

I will have further comment on the CI district in a moment if I may, but the reason behind that is

that you have facilities with a lot of employees and it would seem to be appropriate rather than to have them traveling throughout the city to receive basic conveniences like a drive up ATM or a drive up laundry delivery service – whatever it may be – to allow those types of facilities in the PI and the AI district and possibly CI depending on the boundaries. That is our first comment. As it relates to 113, which is restaurants that have drive through facilities, our recommendation would be that it is a permitted use in AI because while that area north and east of the railroad tracks along Amherst Street wouldn't necessarily strike people as AI district it is, and that doesn't seem to be an unusual use; restaurants with drive through. Just across the street there is a Wendy's. It is in a different district, but it is just across the street.

I mentioned that I had a comment about CI. It seems to me that certainly the CI district is one that is a good idea – that use on the other side of the railroad tracks isn't likely to be as influenced by what is going on at the airport as what is going on on Amherst Street so the creation of a district – call it commercial industrial – that has some retail up front and industrial in the back, seems to make a lot of sense. However, if you look at the use matrix there are a great number of uses that would not be allowed – not be permitted. In fact the CI district is one of the most restrictive in terms of the allowed uses. I don't know whether – it seems to us that needs to be re-thought. For instance, legal services, professional services wouldn't be allowed in the CI and yet you have a number of lawyers' offices in 401, 402 – I would encourage the committee to think if we are going to have a CI district left in the use matrix table that we need to really consider that additional uses may be appropriate. At this point there are just a handful that are permitted. There certainly seems to be more room for uses in there.

Roger Houston

On Item 57 – drive in window/facilities I think you mentioned you would prefer to see those in a park industrial district and I think what the master plan says is that we are encouraging industry and those types of uses in that district as opposed to drive in windows and fast food. Running out of park industrial land – I don't know if anyone else wants to comment on that, but that is a concern.

Christopher Hodgdon

I don't think that we would prefer to see a drive up kiosk to an industrial facility. I think what we are saying is that those are uses that people who work in that facility would naturally like to have available to them. The footprint for a drive up ATM is a matter of square feet, and it wouldn't necessarily mean that you couldn't site an industrial facility there anymore. These are very small footprints; there is no parking, they are drive up. I think that was our concern – not that we would prefer one to the other that one would naturally compliment the other.

Brad Whitney

I just want to comment that as people age more and more people take medicine and pharmacies provide a very valuable service to all people who have to pick up their medications through a

drive through window and get on their way. I just want to mention it. They didn't mention pharmacies as having drive-ins.

Chairman Rootovich

Please continue.

Christopher Hodgdon

I would like to refer to the use matrix on page 45, table 27-3. We had a very brief discussion about it and President McCarthy had asked me to elaborate with the examples I was thinking of. I have had a chance to consider it. This is a downtown issue, but in the context of this use matrix I want to discuss it. The requirement for open space in D-2 – I think that we would certainly support the desire to keep those properties in their Victorian sort of design to protect those old buildings. The issue is that the definition of open space doesn't allow parking, and most of the open space on those lots as we use them now is parking. I don't know how we would have 50% of the lot be open space, no parking, building, no sidewalk – when you have such small lots in that D-2 district. I am not suggesting we change the definition of open space, but it just may not be practical given the types of uses that are going on there.

Further on in that table the major issue that we had was the maximum stories and how that relates to the maximum height. If you look at AI, PI, GI, and HB your maximum height is 60 feet/5 stories with 12 feet per story – that is a very small story given the type of development that goes on in these areas. You've got commercial buildings with heat exchangers, air ducts – the average story height for that type of building is more than 12 feet. Not to mention the fact that there are a number of buildings that are already in those districts that exceed that 5-story maximum. Those are the types of things that we have some concern about. Six stories – Trafalgar Square, the Sheraton – those are buildings that I think are fine buildings that work well. They will exceed 60 feet and 5 stories. That is a specific example of where we had a concern in that dimensional matrix.

Chairman Rootovich

I am going to ask a couple of people to respond.

Alderman Deane

I would like an explanation of where the 12 feet starts and where it ends. Is it from finished floor to underside of story above or is to where a bar joist or floor joist is?

Roger Houston

The ordinance doesn't really address that issue. Usually it goes from the floor level up to the top of the finished floor. That is an issue we could look at because I think in terms of story height

that requirement can vary between office buildings. Twelve feet is not an unreasonable height, but certainly there are several buildings that go as high as 13 to 14 feet on a story height given their particular operational needs for the building footprint. That might be something we would want to look at further. That would in effect increase the overall height of a building. If you are going five stories and the intent is a 15-foot story height then you are looking at 75-foot height in the PI district versus the 60-foot height.

Alderman Deane

I can agree with this issue. If you are using top baring bar joist that sit on an eye beam that have say a web depth of 20 inches and you have to get mechanical components in there and sprinkler systems and everything else it will be up above the ceiling plus carry the weight of the floor above – all of those components either have to be up in the webs, which most of the time they are not, or they have to be below it, and when you lower all those things down depending on the size of the building that you are trying to control the heating and air conditioning and everything else and what you are pushing for CFMs and the depth of trunk work you will lose quite a bit of space.

Alderman McCarthy

Roger correct me if I am wrong, but there is nothing that is currently regulated in such a way that we need a definition of the bounds of an actual story right? We regulate the number of useful stories a building may have and we regulate the total building height, but there is nothing that says each individual story has to be less than or equal to a particular story height correct?

Roger Houston

That is my understanding. I can double check the glossary to make sure it is not in there.

Alderman McCarthy

I guess the issue is basically if we assume the height is 12 feet then we come out with a 60-foot height limitation based on having a 5-story limit. I guess the issue we need to take up if we change that is if you make it 5 stories and 75 feet does that mean I can then come in with a building that is 12-foot stories and say well I ought to be able to get 6 of them instead of 5.

Jay Minkarah

I do have comments on the height question. I apologize for not jumping in fast enough. I do have some comments also on the table of uses if it would be possible to go back. I hate to do that to everybody. Just a couple of overall comments that I think increasingly higher education and vocational training is an important part of our economy – it is one of the fastest growing sectors in our economy and it is also increasingly critical for labor force development. More and more people need higher education degrees and job training. We are fortunate to have several higher educational institutions in this city. None of them are currently permitted uses. I would

like to address that. If I could recommend that we consider some changes in the proposed table of uses that would address that.

I would start on page 36. For item 250 – schools, alternative, adult, colleges and universities, technical, trade, and other specialty schools – if I could I would like to suggest that those be a permitted use in the GB, PI, CI, and AI districts. Currently all but Rivier all of our current higher educational and technical training schools – that would basically cover the locations of all of those existing colleges. I am excepting Rivier at this point because that is I think a different discussion. I think it is important that not only we allow obviously what already exists and I don't believe it is problematic, but to encourage that growth expansion and the location of additional schools.

Bette Lasky

On that do you want to include dormitories as well? Do you want residences?

Jay Minkarah

All associated ancillary facilities I think should be allowed yes.

Christopher Hodgdon

Did you say HB as well too?

Jay Minkarah

I did not say HB although afterwards I looked back and thought we may want to include HB depending on where it is located. HB would not be inappropriate.

Christopher Hodgdon

The reason I asked I just had a phone call today that someone is in an HB district that wants to locate 4 classrooms and they have to go through the Zoning Board and the Planning Board and they needed some excess space and it is a problem for them.

Jay Minkarah

I got that phone call too. Actually I wasn't sure if it was HB, but I think it would not be unreasonable to include HB in that. I think it is also important to note along those lines that very often these types of smaller colleges and institutions do go back and forth between existing commercial buildings, office buildings, and they ought to have the flexibility I believe to do that

In moving down to 253 I think it is a very similar comment – these are schools specialty including beauty, business management, computer training, driver education and so on. I would also

suggest that those be permitted uses in CI, GB, and perhaps a special exception in the GI.

Also I had a comment on some athletic and recreational facilities if I could. Similar – going back to page 33, the very bottom of the page, 209 – fitness and recreation sports, gym, health spa, and so on – increasingly we find those types of facilities are locating in more industrial areas because the size of the buildings are conducive to them and they can easily retrofit existing buildings for those uses. They are I think appropriate in size and scale and so for that reason I would suggest that we allow them as permitted uses in the GI zone down the bottom of the page. I would consider in the CI allowing them as a permitted use as well.

Mike Lowe

I think we should include it in AI too because there are actually two facilities right now that are in AI.

Jay Minkarah

- That would be appropriate. I have one more comment along the same lines. On page 35, item 235 – city or non-profit indoor recreational facility on city owned land – currently that is only shown allowed in the PI district. I would also suggest allowing that in GB, GI, CI, and AI.

Just to go back to the drive through – I do think it is appropriate to have fast food restaurants as a permitted use in the GB district. I think there probably were several examples of those. I would honestly be a little bit concerned about allowing drive throughs in the PI district although I sympathize with the ATM argument I am a little bit concerned about that partly because of the use of the land, but they are small, but also because of the character of those areas. I am not sure it is necessary – I would like to look back to the zoning map a little bit more closely, but I think in general we do find that there are HB or GB districts located in close proximity to the PI district so I am not sure it is really necessary to service the people in the PI zones. Again I would certainly defer to the map. I may be wrong.

Christopher Hodgdon

Mr. Houston did provide the Chamber with a map. We can break it out.

Chairman Rootovich

Roger did you copy the rest of the committee members?

Jay Minkarah

I can unfold it if we want to refer to it tonight.

Roger Houston

I do have a citywide map. It would be difficult for everyone to see and I also have a blow up of the downtown area map with me here. I am not sure if everyone will be able to see it.

Katherine Hersh

One of the things that the committee talked about and that the certainly the division is very concerned about and is very focused on is the industrial zones. We have a great deal of concern and the committee talked quit a bit about the erosion of our industrial zones, about the fact that industrial land is worth on the market – the retail end is worth about 3 to 4 times the value of industrial land so there is a tendency for industrial land to be converted to retail or to other uses such as residential as well, and that in the short term from a market standpoint that looks like a good thing, but from a long term standpoint if we want to be a place where industry still has a chance to come and has the opportunity to come we want to be able to position ourselves to do that. Some of the discussion that you are having right now has to do with that industrial land and that erosion of that industrial land.

For example it certainly makes sense to have eating facilities within a PI area so that people have access to that and don't have to get into cars, etc. etc. On the other hand what happens is that we have seen where they have become more and more retail uses and less and less availability for industrial uses. It is a balance. If the market is turning and certainly manufacturing jobs have left the city and there are vacant industrial buildings that there is a great demand – we get calls all the time about what buildings might have other uses. One of the things that we are doing with the economic development strategic plan is to look at exactly that issue – to look at where it is appropriate and where we want to really concentrate on making sure we absolutely protect our industrial land, our industrial base, and not let it erode and where it is okay to have mixed uses and let the market take it where it goes. That is just a part of the conversation that the steering committee had numerous times and we deal with on a daily basis.

Alderman Deane

I just had a quick question – when we get this economic strategy plan back will that have any bearing on any of the zoning that we have been discussing?

Jay Minkarah

I would imagine so because a significant part of what they are going to be doing is looking at the existing industry that we have – look at all of our commerce and industry in the city – where it is currently located, what the trends are, what is happening within them, and they are certainly going to be looking at the future and where the trends will be. I have to believe that will result in certain recommendations that will bear on the zoning ordinances as well as the sub-division and site plan regulations.

Alderman Deane

Will they come back with perhaps some recommendations pertaining to the zoning that is being discussed here this evening would you think?

Jay Minkarah

We haven't asked them to analyze the specific proposal in light of what they do so I don't know that they would come back with something that specific unless we ask them to. What I would suspect is that they would talk about general areas of town, what the trends are, and if they see some zoning impediments or some recommended changes I think they would make them, but I wouldn't expect them within the scope of what they are doing now to necessarily take a draft like this and go through it in detail. Timing is also clearly going to be an issue because they are just kicking off a 6-8 month process. This has basically come a long way to this point. I can't imagine that they are going to be in a position to even make recommendations for another 6 months even preliminarily. I am not sure that they would play into this process. However I gave them a copy of this document – analyzing it now I don't think is within the scope of the study currently.

Alderman Deane

So they have a copy of this?

Jay Minkarah

They do have a copy of it, but we have not asked them to analyze it and make recommendations specific to this document.

Alderman Deane

Thank you.

Chairman Rootovich

I would have to assume though that some of the recommendations they make will be based on this document clearly.

Mark Fougere

Just to follow up on the use matrix and then I have a clarification again on the zoning map, which we discussed at the last meeting.

Are planned business developments and planned industrial developments still allowed uses? I couldn't find them in the matrix although there is some reference to them in the Appendix. Also

planned residential developments, which I believe are still allowed, are not listed in the use matrix.

Chairman Rootovich

Roger do you know why they are not in there?

Roger Houston

My recollection is that they were eliminated. There was a lot of discussion about that particular issue. I would have to go back to the original files. The PRDs were retained because obviously we have several PRDs in this community that are mapped on the map. We have no plan businesses or plan industrial districts mapped on the official map. I think the last one we had has been cleared up. I think it was – I know Mr. Fougere very well remembers the Nashua Mall issue and the use of plan business. I think everyone at that time felt that there really wasn't a use for those anymore because there are other alternatives to address the number of buildings per lot of record.

Mark Fougere

If plan residential developments are allowed – I don't find them in the matrix right now. If you look in the existing ordinance there is an A next to them, which means they need Aldermanic approval. I am just wondering if they need to be listed in the matrix.

Chairman Rootovich

What page are you referring to?

Mark Fougere

I would think they would be listed on page 24 under residential uses. That is where they are listed today. The full text is in the ordinance. It might have just been an oversight.

Christopher Hodgdon

It is an overlay district and I notice there are no other overlay districts listed in the use matrix. I think the intent is that the overlay districts attach themselves to one of the base districts, which are the only ones included in the use matrix.

Mark Fougere

As long as they are still allowed and an option for people.

Chairman Rootovich

Is that our understanding Mr. Houston?

Roger Houston

PRDs are allowed – planned business/plan industrial as I understand would not exist under this ordinance.

Mark Fougere

The next question is a follow up to our discussion last week relative to the reference to various zoning districts that aren't on the map and under discussion – this is regarding the medical, higher education, and transit orientated. The discussion at that time was that these are options that are available to those businesses that if they choose to they can participate or request that zoning almost like a PRD. After taking another look at those specific sections, which the Chamber doesn't necessarily object to, is they don't seem to have the same procedures. If you want to do a PRD in the ordinance today there are specific procedures that are listed on how to approach that. The way they are worded today it appears that they are just plain districts yet they don't have a place on a map. I guess if they don't have a place and they aren't districts they shouldn't really be in the ordinance. If it is something that is proposed in the future maybe that is an amendment that is brought in. If they are something that someone can apply for then the procedure would be appropriate similar to a PRD that if you meet certain criteria the business applies to be included or be mapped that way. Then there is no question, but right now it seems to be in limbo as far as what exactly those districts are.

Chairman Rootovich

Roger do you know why the language was taken out with respect to the procedures?

Roger Houston

Most of the special districts are not overlay districts they are primary districts so if they do – they would go through an ordinary process of mapping an area – if someone wants to change the zoning on their existing – let's say they are zoned GB and they want to be HB they come – there is a process outlined in this code as well as the existing code for changing the zoning district on your property if you feel it is not correctly zoned or you would like to have it zoned a different way. Having those special districts like the transit district and the higher education and the medical district allows that option for those property owners or businesses to come in to the city or the city to look at that issue at some point in the future, and also give an opportunity for the city to work with the landowners and the businesses and any nearby residents on a more specific level than trying to do it on a broad brush level with this ordinance.

It would be advantageous to have. Many developers look at for instance if we were looking at a transit oriented development district with a commuter rail station if we have a base district in our ordinances and a potential developer or group of developers are interested if they see that the

city is encouraging that by having it in our ordinances even though it is not mapped that acts as an economic incentive tool to help facilitate that process. I don't know if you want to comment on that Jay because I think you might have some good comments on that issue.

Jay Minkarah

I think for the most part that is true, but actually I think we might want to go into the substance of each of them because they are slightly different. For instance the transit oriented development at least to my reading and I did not participate in the prior committee's discussions so maybe I am wrong, but as I read it – I am looking on page 97 – it appears to me where it says locational criteria that all areas within one-quarter (1/4) of a mile of a transit station or major bus boarding location shall be classified as TOD-C so I took that to mean it is an automatic trigger where if you have a transit center in existence then this development option applies if you are within that specific area. I think at least this overlay has a mechanism already in it for application.

Christopher Hodgdon

I appreciate Mr. Houston's explanation, but I don't understand why if a developer is looking at doing something in an area and they decide it is in the interest of the development to apply and have the criteria apply to their project why we wouldn't have procedures in the document that tells them how to do it. We have those procedures in the PRD. I am also wondering – this is a clarification that I need – A PRD is something that is always voluntary I understand – can the city designate a PRD area? It is something that people opt into. I am wondering whether the higher education and the medical district is something that people can always opt into. If they can always opt into it and it is not something that the city can define then it seems that procedures opt in need to be in here. I can certainly understand the reason for wanting the language in there so that people can see that it is incentivized. I do think we need a discussion of whether or not there are actually incentives in there, but that is a later issue. The core issue is the procedures and it seems that would be a reasonable thing to expect. People need to know how to go about having these districts created.

Chairman Rootovich

Roger or Mrs. Hersh would you have any objection if we were to have any of those procedures added to this document? Do you see any issue with that?

Roger Houston

I don't see any issues with that. It is something we can give to the land use consultant and have him look at that issue. It may add more pages, but other than that ..

Chairman Rootovich

Roger I would expect multiple pages in this has been ...It is something we will ask the consultant

to take a look at and recommend or suggest some language that we can put in.

Christopher Hodgdon

Thank you.

Chairman Rootovich

Jay you had one additional comment that you wanted to give before we moved on I believe.

Jay Minkarah

Only that I think that we have to look at each one of these differently because they are different. I don't think that we can assume that they all have the same mechanism or don't. Some of them do and some of them don't.

Chairman Rootovich

Chris did you have anything else?

Christopher Hodgdon

The last issue I think that we left on the discussion table if you will that maybe needed further comment was the last one that we touched on, which was the issue of the requirement for a 4th landscaped row and the 10th space and the issue that we discussed there was some question as to how these requirements would apply to the Nashua Mall redevelopment. If I may Mark has a map of that development, and in red you can see what every tenth space would mean landscaped and the green is every 4th row. While it is difficult to know what that means in terms of loss of parking, the addition of every 10th space correlates to around 100 lost parking spaces and the addition of the 4th landscaped medium, which the Chamber supports, would mean loss of about an entire row because that is a 10 foot landscaped medium that you are talking about.

I think that our point was that while every 4th row is an additional cost in terms of landscaping irrigation, construction that may well be an acceptable thing and something we would support. It is the every 10th space that creates maintenance and significant loss of parking and construction issues.

Roger Houston

The Nashua Mall is a good example because that was essentially a site that we looked at that where we considered non-conforming or grandfathered. We worked with the landowner and we have given the existing building square footage to fit their proposed redevelopment into it based on the current laws and regulations and that works in that case. If that were a brand new

development you might want to look at it differently and require a higher quality of landscaping. That standard of every 10th space – Nashua Regional Planning Commission produces document of non-residential development community character guidelines, and it is kind of if you look on page 2 – parking lots with visual appeal – they actually have a standard that is landscaped island every 8 spaces. If you recall at the last meeting we looked at the range of the national average is between 8 and 12 and the committee chose the middle standard, which was every 10th space. That is why the committee went with that standard. That is published and on their web site at the National Regional Planning Commission.

Chairman Rootovich

Again Chris we will ask the consultant to take a look at it and suggest some alternatives. We can have that discussion when they are here.

Mark Fougere

That pretty much brings us to the point where we left off last time, and I don't want to go back, but just another point of clarification on procedure – we spent about 2 hours reviewing things last week. Some things it was agreed upon that we would take another look at; some were areas the Chamber objected to. There was an explanation and it really was sort of unresolved. Obviously as we continue through this process there will be a lot of comments, and I guess one of the questions the Chamber had is at what point is the decision made on those ones that there really wasn't a comment that we will take a look at it.

Chairman Rootovich

I will say the same thing as I said previously. I am not going to speak for the entire committee, but I would have to assume they feel the same way I do. We don't have enough information from the individual who put this document together. I would like to get their perspective, their feedback, and any suggestions that they could give this committee. Unless Mr. Houston or Mrs. Hersh is willing to draft or craft some language based on your comments and things you would like to see so we can have further discussion, I don't see any alternative at this time.

Mark Fougere

Just to clarify it is the intent to have the consultant look at all of these comments.

Chairman Rootovich

It is my intention when the consultant comes in is to give him the minutes of the meetings that we have, which are typed verbatim – the comments are on there, the notes that I am accumulating, and the notes that Mr. Houston, and Jay and Mrs. Hersh that are taken as well.

Mark Fougere

Thank you.

Chairman Rootovich

I have also asked Sue to keep those tapes aside as well.

Jay Minkarah

Before we leave – the comments from last time I did have a couple of comments on the dimensional requirements. I think increasingly as we become built out I think it is important for us to look at density particularly where there may be times and this may be appropriate to consider under transit oriented development, but there certainly may be times when increased density is of particular importance in a certain location, and I would like us to consider allowing a greater building height in the GB, HB, PI, and GI districts perhaps up to 10 stories. That may be best by special exception or conditional use, but I think it is something that we should consider as we go forward.

Chairman Rootovich

One other comment Mr. Fougere about your concerns – certainly you have the expertise to craft any language and present it not only to the planning staff for their opinion, which we value, and submit it to the committee and we could take action upon that. Again we have nothing in front of us. There is nothing that has been drafted that can be presented to us and say yes this is something we can decide on now. It is a lot of theory and it is a lot of questioning, but there is nothing before us – any language that you would like to see changed or added to this particular document.

Mark Fougere

I was just trying to clarify where we were going to go from here. Thank you for that.

Chairman Rootovich

I would hope to hear some of my fellow committee members and the President of the Board and Mrs. Hersh with any other comments. If you feel that we are going through this document too quickly and you feel that there is too much on the table for us to go back and respond to we can always stop. I don't; think that is what the committee wants to do, but again there is nothing before us right now that we either can further discuss change language or anything of that nature.

Katherine Hersh

Given that the schedule that what we can do is we can get everything ready to go to Finance as

soon as the budget passes so that we are ready to go and it would shorten the time to get that consultant back on board.

Brad Whitney

Because of the complexity of the codebook I would like to see the committee allow people to make comments about past subjects as you move on.

Chairman Rootovich

Mr. Whitney I am going to allow that in a few minutes.

Brad Whitney

Thank you.

Chairman Rootovich

Are there any further comments from the committee or members of the Board of Aldermen with respect to the document – any language changes or any recommendations that anybody would like to ...

Alderman Deane

I think if you are going to present some language changes then you should have a brief explanation of why. Mark if you are going to do it or whoever is going to do it. I would – if those are the proposed changes you want to bring forward I would bring them as the committee moves along so that they can be reviewed continually.

Chairman Rootovich

I would appreciate you giving a copy to the professionals in the planning staff to comment on those prior to our meeting so if they have any concerns or questions or issues that they are also prepared to respond to the committee and not give them on the night of the meeting, but allow them plenty of time to respond.

Is there anybody in the audience that wishes to comment on the discussion we have had so far this evening before we go on or any discussion with respect to the last meeting we had?

Richard Kane, Flatley Company

I would just like to echo Jay's comments about looking at the height of the buildings particularly within the PI zones. As you are aware we own I think the last industrial undeveloped parcel of land in the City of Nashua and the current zoning regulations do allow within PI zones buildings of up to 80- feet in height and 8 stories as an exception if they are located at least 400 feet from

any abutting residential zone. I think this has been a very valuable asset to the community. We have seen the Sheraton Hotel, the Clarion Hotel, what I call the glass tower at Trafalgar Square as well as 10 Kara Boulevard down at Exit 1 built within those parameters. All of those buildings are 6 stories in height. They probably all are in the 75-80 foot height range. I see where they are really having no impact on any neighborhoods. I think they are an economic asset to the community. I would encourage the committee to consider retention of the existing height exception, which I think is listed as 16-253(b) in the existing zoning ordinance.

The only other issue I have – this gets into the issue of the landscaped islands every ten spaces. We own a number of shopping center throughout New England. We deal with any number of communities. I have never seen a shopping center, and I would request anyone to show me a shopping center built within New England that has every 10th parking space having an island. It just becomes impossible to plow that type of lot. If anyone has watched a large parking lot be plowed in a snow storm particular a 8-12 inch snow storm plowing is a real adventure. Those guys have to get moving, they have to gain speed just to be able to move that snow. If they are continually having to maneuver around islands it just won't work. Someone made a comment well sure you can get it done – at probably a cost of twice what it might be costing you now and very ineffective. I just ask you as you look around, as you drive around New England you go through various shopping centers to see if you see anything in this part of the country that comes close to that requirement. Thank you.

Chairman Rootovich

Is there anybody else in the audience?

Steve Bonnette

I have a few different industrial and commercial locations. I would like to just reiterate what Mr. Kane says about the parking lots. It is physically impossible to plow these lots with these requirements that you are asking for. You quote national studies, which take into consideration Arizona and Florida and all of these other places. I think we have to look at the areas that we are in more specifically. I think that is a good point. Thank you.

Brad Whitney

I would like to comment on Mr. Hodgdon's comment on page 45 where he had the maximum side setbacks. In the D-2 area he had a 15 feet – that would be 15 feet on each side of the building. I have a map here showing the lot widths on that area and some of these lots are 60 feet wide and if you took 15 feet off each side and then any sidewalks or drive areas you are limiting the building size to about 30 feet or less – maybe 25 feet or maybe even less than that. I think that shouldn't be any different than at least a D-3 or should be kept the same as Main Street, as D-1. That is quite a restrictive side yard ... tape flipped ...

A minimum side setback of 5 feet is more appropriate. How do you tell whether they are going

to allow a minimum or demand a maximum? Certainly the maximum seems unreasonable proportionate to the size of the lots.

Katherine Hersh

The way I am understanding what you are saying – right now it says that the minimum that you have to be from the side setback is 5 feet. You can't be any more than 15 feet from the side setback so it gives you the ability if you have a 60 foot frontage you can't be any closer than 5 feet to this side or 5 feet to this side, which gives you 50 feet in the middle.

Brad Whitney

Thank you.

Katherine Hersh

I think it does what you want it to do.

Brad Whitney

Yes, and that would give a total of 10 feet because the abutting property would have the same. If that is what is required or for that part of downtown it seems – that explains it better.

Katherine Hersh

It says you can't have any more than 15 feet from the property line so it actually gives you bigger use.

Brad Whitney

Some of them are very close right now, but that is more digestible.

Alderman MacLaughlin

I wanted to pick up on the median issue – the requirement for having a strip placed every tenth parking spot could be prohibitive because from my perspective and operating within that environment 5 days a week I see that it is plowing during the winter, but again the spring or after heavy maintenance of any median strips parking lots require sweeping and sweeping is done not by the hand held blower units, but big machinery, which would also need to operate. Sometimes the sweeping of these lots isn't accomplished during overnight or pre-opening or immediately post closing of big facilities like malls. It is sometimes done concurrently with the operation of business. That presents a hazard to cars that may already be parked in their way. It would I think add to the expense of the maintenance because you would have to call a crew back or suspend operation depending on how cumbersome these medians prove to be.

There is also the mowing issue. The fact that medians when properly maintained and ideally maintained are beautiful – they are green and clean, but more often than not they become receptacles for displaced items. It could be stones, it could be refuse or anything like that and then those things then get blown into vehicles so then you've got the issue of addressing damaged car surfaces like doors or bumpers. The maintenance of the curbing becomes an issue too, and I know that the mall that I spend a great deal of time at spends a lot of money on paint and also repair material; either concrete or asphalt because cars will bang against them, trucks will drive over them, SUVs will hit them and they crack and crumble so there is a lot of that. That is pretty much a monthly or quarterly issue.

Then during the peak periods the one thing that happens to medians when they are taking away a parking spot is for those who are most impatient with flow of traffic and the need to park to conduct their business they will then park on top of the median strips if they can. I think in some cases this may be something of a burden that you may want to really look at and perhaps scale back somewhat. Thank you.

Alderman McCarthy

I wanted to comment on the building height issue that has been brought up a couple of times. I think we need to look at it from a policy perspective as to what we see in terms of the character of the community and – I think some good points are raised about buildings that are larger than the proposed numbers, but first of all there is a practical consideration that I think we need comment before we change it from our safety professionals because the existing building height limitations are based in part on what equipment we have for fighting fires in various parts of the city. Secondly I think there is a character issue there that traditionally we have tried not to have buildings that have high visible vertical projections. Interesting observation about that is that if I look at something like the Tara or Ten Tara Boulevard, which are actually fairly large buildings, they are also build fairly low in an area with substantial terrain and therefore are not visible from any substantial distance away.

On the other hand, the high rises at Sky Meadow for example are visible from clear on the other side of Hollis, and I think are basically the sort of character that we are trying to avoid. When we look at that I think one of the things we ought to look at is basically maybe areas where it is appropriate instead of regulating actual building height to regulate the projection above terrain so that a building that is built on the side of a hill that projects 60 feet above the top of it is possibly as acceptable as a building that sits on top of the hill and is only 60 feet tall where it may be a bigger building.

Chairman Rootovich

Is there anything further? Then we shall proceed. We will start off with where we left off, which is Division 4 page 90, Higher Education District – HE.

Christopher Hodgdon

The Chamber had some specific concerns, but I would like to comment on our hope for the application of a higher education district. The Chamber hopes that when language is approved for this district that it is an incentive for the development of higher education. That will be our comment for the medical districts as well. If these are districts that people will opt into and voluntarily wish to participate in then there should be incentives. As our comments will I think show there are a number of disincentives and there isn't a great deal of carrot there. That again leads me to my curiosity about whether or not this is strictly a voluntary district or whether this is something that the city in the future could create on its own. Our first specific comment about the higher ed district has to do with the inner connectivity of parking. I think that is something that is a notable goal. It also relates to where the parking is on the buildings. For instance the tech college parking is in the front of the building. I don't know that is an inappropriate use for that building or that site.

Certainly it is in character with the rest of Amherst Street. I guess our suggestion is that rather than the language reading the parking area shall be located that we amend it to read that parking areas to the extent feasible should be located. These are sprawling areas. These campuses are sprawling. It may not be possible to always have the parking to the side or the back of the building.

Chairman Rootovich

You know Chris that any parking requirements can be waived by the Planning Board.

Christopher Hodgdon

Yes. Thank you. Our comment continues with the inner-connected nature of the parking and we would also like to see that be where feasible rather than shall. Our final comment on the higher ed district is related to noise. We think that the provision that requires that the equipment create no noise is practically an impossible goal to achieve. Perhaps the document could read that the goal should be minimized noise or minimal noise or a standard to be adopted for noise level, but to say that the equipment create no noise I just don't know that is a practical goal. The goal here I think should be to create standards that are enforceable.

Chairman Rootovich

Okay.

Jay Minkarah

I also have comments on this district. The concept of having an HE district is a good one. I will say I think it does primarily apply to Rivier because that is currently located in a residential district, but I also do believe it ought to contain incentives within it that make it advantageous and at this point I think it is somewhat punitive. As I read through it I don't see any advantage in applying for an HE zone. It actually increases the regulatory burden rather than reduces it. I

think the concept is good, but I think it is important to work through some of the specific terms and because I do believe, it is probably out of context, but I do believe it is important that we consider making Rivier College a permitted use in the city. It has been an institution in the city for a good 70 years. I think it is important to look at this from the perspective of what actually works in the campus, and I can't say it doesn't. What I am probably particularly concerned about is the requirement that I see where I think it is on page 92 under site plan number 2 – when applying for a permit for HE properties the applicant shall present a master site plan for all current uses and all contiguous property, etc. etc. That is really a pretty high burden. The concept of having a master plan is good, but having to present that every time you need to make an improvement to the property – when I say I think it raises the bar that is a pretty significant additional requirement over what exists now.

It would be my preference to bring down the barriers rather than raise them. I think the concept of the master plan is a good one and there ought to be one, but once you have created that master campus and your proposing development that is consistent with it the developmental review process should be simpler rather than more complex.

Mike Lowe

Inner-connection – one of the major reasons we have it there is for police and fire. If it heck when you get a fire engine to go into a parking lot and it can't get into the next parking lot because there is no way to get there. That is the main reason for that. We found that down in the south end on the D.W. that was the biggest problem is getting from one place to another when you have an accident or something might happen the emergency vehicles just can't get there so we have tried all along to put in inter-connecting. I think that in the school it applies the same way. You want to be able to get your emergency equipment in as fast as you can by the best route that they can figure out and if it is through a parking lot then it should be allowed.

Alderman Deane

I have seen some of our emergency personnel operate their vehicles and they do what they have to do to get where they have to go and there is really not much that one of those 40-ton fire trucks can't run over. They do what they have to do. If you see any of the scenes that they go to and they have to do set ups and stuff where it lands and where it sits is how they operate it.

Chairman Rootovich

Are there any further comments? Medical District – MD.

Christopher Hodgdon

Our comments are substantially very similar so I will just point out that with respect to the inter-connectivity and the parking I certainly understand Mr. Lowe's concern, but there is a feasibility issue and I think that needs to be recognized, and the noise issue is the same. What is no noise

and is it a possible standard to reach.

Brad Whitney

I know years ago the medical districts was an area around hospitals that they called quiet zones versus no noise. That was in the code a long time ago.

Chairman Rootovich

There being nothing further – transit oriented development – TOD – comments?

Jay Minkarah

I think that this is a very important provision to have in our ordinances particularly as we look forward to future development of mass transit. I just echo some of the comments I made earlier. I think that in some transit oriented developments it may be necessary to look at a greater height requirement. I hope that is something that we would consider. I am sure that mixed use development – a mixture of commercial and possibly industrial uses and office uses are clearly allowed in this districts because sometimes they might not be applied to an existing commercial area it may be an area that is currently more residential in nature.

Chairman Rootovich

Any further issues or comments? Moving right along to Division 5 – Supplemental Use Regulations – accessory uses and structures, page 100. Are there any comments or concerns or issues?

Accessory Dwelling Units and Accessory Apartments – Are there any comments? Being none - Attached Dwellings – any comments?

Mark Fougere

One of the requirements in this section is for open space set aside ... tape inaudible – speaker away from microphone ... 700 sq. ft. I am concerned about the practicality of that especially if it is a 4 or 5 block sub-division. If the city is interested in having a 3,000 – 4,000 parking lot in the city ... tape inaudible ...

Chairman Rootovich

Can the Planning Board waive that as well?

Roger Houston

Yes the Board can with that provision, however, I think you are misreading that section because

it only applies to those parcels over 10 acres in size and anything over 3 lots. The minimum area is 10 acres on that provision. If you are looking at 10 acres that is not an onerous ...

If you go to the open park standards of Article 5, Div. 9 on page 310 – if you go to the beginning of where it applies that is 16-600 applicability – this section shall apply to any application for subdivision plan or site plan approval encompassing at least 10 acres unless exempt pursuant to subsection C below. Those are the exemptions. Those are not exceeding 3 lots so if it is 3 lots or less then they wouldn't apply. I think it does what you are implying there. It is one of those issues in an ordinance that it is the details.

Alderman Deane

I had a comment on – I know of an area in town like there where there was a parcel at the end of a development that was supposed to be built into a small park area for the neighborhood as part of the subdivision and the residents all own a piece of this parcel. It never got developed and they paid taxes on it. They have been doing that for years. I'm trying to understand who will develop and maintain this parcel the developer themselves and then the city will take it over – is that the idea?

Roger Houston

Certainly some communities have park development fees. That is not being proposed in this code, but certainly I think there is a presumption that we don't have a lot of large subdivisions – we have maybe a few left in the community that we're at a point where we aren't going to have that many more. Certainly that would be the city's responsibility in the case of a subdivision. This would be land that would be set aside for park development.

Alderman Deane

Thank you.

Chairman Rootovich

Are there any further comments?

Alderman McCarthy

I don't know what subdivision Alderman Deane is referring to, but we used to do it by having common land set aside that was done that way. One of the problems with that is that it never got used for anything. It was typically the most undevelopable corner of the subdivision. It may have been where the stump dump wound up, etc., and typically was not used for one. One of the things we have tried to do recently is actually change that so that open space that is required gets transferred into city ownership and can actually be developed into public parks. The benefit

to the owners in the subdivision of course is they then don't pay taxes on it once it has been transferred to the city.

Alderman Deane

I know of a few people – it is at the end of Echo Avenue. Some of those people have lived there for years and they have been paying taxes on that parcel as their portion for what? It is an empty lot. It is probably a buildable lot and it was never developed. I am sure they would like to be released of that tax burden, and that piece of property could probably be used for something. It has been like that for probably 30 years.

Katherine Hersh

I am not familiar with Echo Avenue, but I can give you a different example, and that is Pinebrook Estates. Pinebrook Estates is down off of Ridge Road, and I forget I think it is probably 40 houses down there. When it was developed it was developed as a cluster and so instead of being on 18,000 sq. ft. lots the lots are 9,000 sq. ft. and all of the houses are on those lots and then the other half of that entire site is common land that was left as open space. That is common land. I don't think that is city owned land. Does anybody else remember that?

Bette Lasky

I do, but I am trying to remember – a lot of times when there is common land there is a condominium or some sort of association that will take care of that. I am not sure of that particular property.

Chairman Rootovich

There is a condo. association across the street right? Not that they have any tie in, but..

Katherine Hersh

It doesn't have to be a condo. association, but it often is.

Bette Lasky

Sometimes it is not a written agreement either.

Jay Minkarah

I just wanted to know for people who are interested – there is no one method that is dictated. If you turn to page 310 it notes that you can protect that land or maintain it. Essentially any of the options are C-H, and those are on the following pages. There are a variety of different methods ranging from dedication to the city, homeowners association, condo association, easements,

etc. Certainly there is no one answer that applies or is appropriate in every area, but there are a number of options that are provided.

Alderman Vitale

I was just going to point out that the Planning Board just approved the development on Pine Hill Road that will be a cluster build of single-family houses. That will have the open space there for that. I think it will be shared between all the property owners.

-
Bette Lasky

I guess I have lost track of all of the objections.

Chairman Rootovich

I don't think he had an objection he was making a point ..

Bette Lasky

I understand in that particular case on Echo Ave., but that I believe is a different issue. I don't know how far back that goes.

Alderman Deane

Probably 30 years ago, but I don't want to ... I know there are a few people who want to rid themselves of the tax liability. It is a different issue.

Mike Lowe

There is another one in the Sunset Heights area. There is a whole piece and nobody every uses it. It is supposed to be a park, but it was never made into a park. It just sits there and nobody ever uses it. It was required open space and that is where they put the open space. It sits there. It is a beautiful place to put a small park for the kids.

-
Mark Fougere

Just a couple more points on this issue. Under this provision would the open space associated with a cluster meet the conditions of this open space criteria? In the cluster regulations it says there has to be so much land set aside as a requirement of the ordinance. Would that land meet this criteria or would it be additional open space required on top of the 50% open space that is required in the cluster.

Roger Houston

That would require looking at the ordinance and trying to get back. I would have to get back to you on that issue. I would have to look at the cluster provision in this ordinance. I would assume that they are in concert with one another.

Mark Fougere

As far as waiveability I think the only ability for it to be waived is if there are a surplus of parks in the neighborhood. If there are then that would be waiveable, but aside from that it looks like it would be required. Just to reiterate my point from the beginning is that although there is a requirement for minimal of 10 acres for it to apply this could still result in small parks being created of small sizes that may be turned over to the city - it could be 5 or 6 lots, but that potential impact is still there.

Bette Lasky

The downside of that is? Neighborhood parks – the down side of that would be?

-
Mark Fougere

Well in reading the papers there is a lot of concern about cost of services and maintenance. If a park is built it will be another maintenance liability on the part of the city. In some cases these are going to be very small parks if it is a 6-lot subdivision that is 3,600 square feet of open space. If a park is built someone will have to mow it and maintain it and pick up trash, etc.

Chairman Rootovich

The concern is the financial dilemma that follows.

-
Christopher Hodgdon

I think our initial concern was that this applied to very small numbers so the parks would be maybe the size of this room. That doesn't appear to be the case. It appears that it applies to larger pieces of land of at least 10 acres. I think that significantly reduces our concern, but the point – I don't know what the utility is of 700 sq. ft. park, and I don't know whether the people in the city will benefit from the city having a number of those. I guess that was the comment.

Bette Lasky

You could have quite a nice little playground or something in the size of this room and even a small wading pool. It could be utilized is my point. It is a difference again in policy or perspective.

Alderman Shaw

If I am interpreting this right it looks like it is a 700 sq. ft. area per dwelling unit so you are

unlikely to be starting at something at 700. You will probably be at 3,000 or a greater area.

Chairman Rootovich

Is there anything else? Bed and Breakfast? Campers?

Brad Whitney

The notification on guests in number A – notification of guests stationing is furnished to the administration officer within 72 hours after the arrival of a camper. Such notification may be given either orally or in writing. Does that require a camper that people are going to be living in or as a guest or are you referring to a camper that they come and stay in your house, but they have a RV or camper with them – an unoccupied camper versus the guests staying in the camper?

Secondly the 72 hours doesn't seem quite appropriate on certain conditions of the weekend and all. When they are bale to stay for just a few days and they want to show their relatives the different family members the area and all that kind of thing it seems a burden on them – it seems to be a short period of time.

Chairman Rootovich

I am going to answer your question – I am going by the definition in 1, which is storage – unless Mr. Houston has anything further on that.

Roger Houston

I think the ordinance is pretty self-explanatory. You can own a camper and you can store it on your property. If you have a non-paying guest, and obviously you can't have a campground in a residential district, then these are the restrictions that apply. These restrictions are primarily for the neighbors. There are various size motor homes and campers – If they are parked in someone's driveway for a long period of time then it can create a neighborhood issue. Certainly we have gotten calls in the past. Fortunately it is not too frequently.

Chairman Rootovich

If I had a Winnebago in my driveway and my brother decided to come over and spend the weekend in it – I would have to get an administrative order to do that?

Roger Houston

It says within 72 hours. That would be your discretion I guess. It says here you should call the building department and notify them that ... If it is 72 hours that is a weekend so then that wouldn't apply. If he was going to be there for a period longer than 72 hours ...

Alderman Deane

That is after the arrival. Are you talking about owning one and having it sit in your driveway?

Chairman Rootovich

I own a Winnebago, hypothetically – I own a Winnebago and I take it out 4 times a year. One year my brother comes in from Dallas, TX and he decides to stay in there rather than the home for whatever reason – he would need an administrative order to do that.

Alderman Deane

If he was to bring his own camper. This states that 72 hours after the arrival of the camper and you already have it sitting there.

Chairman Rootovich

That is not what Roger said.

Roger Houston

We can certainly look at that issue – whether that is a problem. I really don't see that as a big issue.

Chairman Rootovich

I wouldn't think so. If any individual property owner has a Winnebago or camper on their property and wishes one of their relatives or friends to use it for an evening or two I don't think that should require an administrative order to do that.

Alderman Vitale

How would this camper section affect like Wal-Mart who allows people to spend the night in the parking lot with their campers?

Roger Houston

I would say that would probably affect their ability – that would have to be a use that would be permitted within that district. This is primarily residential properties. That might be an issue you would need to look at with the consultant. I don't see the word residential. I am just looking at this quickly and I know we did discuss this, but I believe that would be an issue that would have to be addressed under the site plan if they were going to have overnight campers like they normally do.

Mark Fougere

Just a clarification on this issue. Sometimes if there is a fire in a home maybe a Winnebago or a portable mobile home is brought in on the site for the people to at least stay in the neighborhood during the renovations of the home. Would that be impacted by this requirement?

Roger Houston

I guess a lot of what ifs, but in this situation the minor amendment allows the use of temporary structures, construction trailers, and temporary residence.

Alderman Deane

I had a question on B. Most of these facilities require water hookups, but they have sanitary facilities are self contained and then sometimes you will see them go down to our own wastewater treatment plant and dispose of their waste down there. In order to set the thing up for thirty days, in order to utilize any of the sanitary facilities within the camper with probably 90-95% of the wastewater being piped down our streets you have to have some sort of connection brought into their yard to tie that into the sewer in order to utilize the sewer system if they were going to have it there and utilize the inside of the facility. Do you see what I am saying Roger? Would that create problems?

Roger Houston

I don't know if I can answer that question.

Alderman Deane

We pay for our sewer. I guess there is a problem with that. The public works department would have to issue permits to put in these temporary sewer lines, and then if something happens to them and the cover gets off you have issues there along with collecting storm water, which in turn goes to the treatment plant or something bad might happen. It is not like you are going to park it over the septic tank and crack the cover. I think B kind of needs to be looked at a little bit.

Roger Houston

Hopefully if you are parked at someone's house you would be using the facilities in the home. I would assume that usually happens. If they aren't then I would assume that there are places where they can drive their camper – it is a short-term stay and they can drive it somewhere and dispose of the matters.

Alderman Deane

I have seen them around the city with water hooked up to them and not tied into a sanitary facility along with electricity hooked up to them. They are utilizing the water, but although most of the units have self-contained tanks for the waste, but I don't know what the capacity is.

Alderman MacLaughlin

As a follow up point I would think that the enforcement powers of the health officer and the plumbing inspector should be sufficient enough to guarantee that these types of things would not be allowed, and if caught there would be some sort of statutory enforcement ability here. I think it is there. It would seem as though that right there should deter people from trying to get around it. Thank you.

Brad Whitney

On section A, I would like to comment that many times the guests are long time relatives that are coming to a wedding or a funeral and there is a lot of confusion and activity going on a few days before. They might just forget and that kind of stuff because of all of the functions that are happening in a short period of time. That is one of the reasons why the 72 hours in certain situations may not be appropriate.

Section B there is new technology that is in place today that should be addressed. They have instead of using the port-a-potties or plumbed toilets they have what they call a PET system and it is a toilet that uses a bag that has a jell in it and it absorbs all of the waste and then it becomes sealed and it complies with the law for diapers. They can be acceptable by the health departments to be disposed into dumpsters just like a diaper is. That is a new technology that is coming in strongly so I would like to just introduce that for your awareness.

Chairman Rootovich

Is there anything else with respect to campers – concerns, issues, suggestions... Moving right along child daycare facilities – comments?

Churches, Synagogues, and places of religious worship and community service – comments?

Communication towers and antennas – comments?

Alderman Deane

I have an old book here. I am on number C I guess tower locations –

Alderman McCarthy

If I might and in fact I believe this section is identical to what appears in our current code, and has not changed in about 5 years and has not changed throughout the drafts of the new code.

Alderman Deane

I am looking at tower locations – new freestanding communication towers shall not be located closer than 1 mile from any existing or approved communication tower – you stated this is within 5 years? We have put two towers in Holman Stadium.

Alderman McCarthy

They may actually have pre-dated the passage of this ordinance. I have actually sat there a couple of times and looked at them and said gee we probably weren't entitled to put of them 100 feet apart. In retrospect it was a good way to do it. To give some background the general intent of this ordinance was two fold. One was to promote either co-location on existing towers or using other existing structures to the greatest extent possible, and the other was to insist on having a five year plan filed when carriers came in with tower plans because what we saw happening and because of Nashua's shape we didn't see it quite so much, but some of the communities along the seacoast would see a company come in and request three towers along 195. They reached the conclusion this wasn't so bad and then two years later they would be back for another half a dozen towers throughout the community because they didn't actually provide service anywhere except on the turnpike corridors originally.

What we asked for was that the carriers when they came in would give us a comprehensive plan of everything they were going to need to provide coverage throughout Nashua. I think that we have towers about on the 1-mile spacing at this point with the exception of one or two places through the city. Virtually all of the cell carrier locations are used. We have the greatest number of carriers that the frequency spectrum allows under the federal laws, and I believe that they have all of their locations laid out at this point on the existing towers and on other structures.

Alderman Deane

If I remember correctly we do tend to promote to the tower people. I have dealt with Sprint when they put a tower up and they were more than happy to deal with co-locaters and getting other firms on there, which works out well. Plus the towers have changed. If you drive out 111A into Windham you see this humungous tree. The 1-mile is that radius?

Alderman McCarthy

Yes.

Alderman Deane

The other area was F would be the lighting – It states that when incorporated into an approved design of the tower light fixtures used to illuminate ball fields, parking lots or other similar may be attached to the tower, but like we have over the skate park we have a flag that is lit. Would that

not be in compliance because it is a light fixture that is attached? It is attached on the top part of the gang walk for maintenance not directly to the pole.

Alderman McCarthy

I guess I don't see where that would be a violation. I think the intent was – in general there is a tendency when the current set of towers started to go in of Zoning and Planning Board to just have a reaction of saying well that has to have a light on it, it is a tower, and otherwise it is a safety concern. The FAA's take on it is actually that you cannot light anything that is less than 200 feet high because it simply serves as a distraction. They basically have a fairly strict set of guidelines and the intent here was simply to clarify items around the tower lighting itself – you didn't need to put red lights on the top of them if they were 160 feet tall and in fact a lot of the concern we got from residents over towers that were to be placed was a fear that we would insist on lights being placed on the top of it. I guess I don't see where if we approve a tower that has lighting attached to it for flags or other like field lighting I don't see where there is any conflict there with the wording that is in here.

Alderman Deane

It clearly states that you can illuminate a ball field, parking lot or other similar areas. That may be – those lights may be attached to the tower. It doesn't state – those are the three areas that are given as allowable purposes for lighting to be attached.

Chairman Rootovich

Is there anything else Alderman Deane?

Alderman Deane

I think flags should be added to that so that you can light a flag. The majority of those poles today are flagpoles.

Bette Lasky

My first reaction is that then you run the risk of flags being used as billboards, which is clearly not allowed. I think you would have a problem with that. Is the flag at the skateboard park an American flag that is lighted?

Alderman Deane

Absolutely.

Bette Lasky

I would think there would be some discretion there. I think there allows for some discretion when you present the design of the tower as I read this. To say that a flag pole should be allowed I think you run the risk of it being used as a banner or some kind of advertising.

Alderman McCarthy

I am actually concerned about that. If I am Costco for example and I have a tower in my parking lot – I put a flag up on the side of my building and I put a 3,000 watt spotlight on the top of the tower that is in the parking lot aimed at the flag and also illumination some vast array of other things around it – I think there is a potential for abuse there and if we are going to do that we need to do it very carefully. Actually most of the towers that are in Nashua and there are probably close to 20 of them are actually monopoles that are not illuminated and are not used for anything else but cell antennas.

Brad Whitney

Getting back to page 106 – tower locations number 1 – I have two communication towers on land abutting our yard, and my concern is I don't know why there are two, but it seems to me that either competing companies have to have – are they required to use the existing tower for different companies? I know you don't want and nobody wants a tower every quarter of a mile, but it seems to me that there might be a cluster of them because these towers are put in an area where they are least obtrusive. It would seem to me that rather than have them spread out with different companies if they could cluster them every 1 or not less.

Alderman McCarthy

I assume you are talking about the two on Orchard Avenue. I think they are not obtrusive -- I would expect that people who live on Spindewick Drive would in fact disagree with that statement because they are quite visible from the entire length of the street as are both of the water towers. That particular case those towers were I believe that the second one was overloaded and that was what caused the other one to go up. The reason for that has nothing to do with cell provision it has to do with the fact that I believe AT&T may have run a microwave relay at that site and they head ended the cable system, which has some other receiving equipment on it is also located there.

In general, the towers with the spacing we've got are sufficient to handle the cell buildout plans for all of the analogue and the PCS carriers throughout the city. I guess I would not want to see us have more concentrations like that. We have done a fairly good job of making those towers be fairly unobtrusive. The one that is in the landfill we did a fairly careful job of placing it where there is very few locations from which it can be seen. Likewise for some of the other ones that are located along the Turnpike and along our other roads. I actually think that the Orchard Avenue site is one that were we to do that over again we would probably request that something else be done than the way those towers wound up.

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Brad Whitney

I don't have a problem with the two towers – as long as the one tower can accommodate all future growth. It is my understanding that they have to be a certain distance apart of close enough together to provide continuity of communication. As long as that is taken care of it is fine.

Christopher Hodgdon

I have a quick question and maybe someone on the committee can help me understand. We are talking about a tower. We are talking about the physical implement that a communications device is hung on or are we talking about the actual device?

Chairman Rootovich

The tower itself.

Christopher Hodgdon

Okay. There are a whole bunch of buildings in downtown that have antennas on them. They are not towers in terms of this discussion correct?

Chairman Rootovich

No they are not.

Alderman McCarthy

In fact one of the intents of the ordinance was to promote – we would rather see 30 locations with antennas on buildings then 10 locations with monopole towers put up.

Jay Minkarah

It might be belaboring the point, but if you look on page 106 under tower locations it makes a distinction between free standing and then it explains the priority in which you are supposed to locate them. It expressly says on existing buildings is one. To get back to the Holman Stadium I think arguably that is addressed on 107 – J – towers as an accessory use – where it also notes that you can mount them on lighting poles or other similar structures then arguably it applies so long as they are not substantially altered. That is probably the provision under which those were done.

Chairman Rootovich

Next we have commercial retrofit and grayfield redevelopment starting on page 108 – questions?

Alderman Deane

I just wanted to go back for a minute on what Jay had to say. Those poles weren't there. Those poles were moved from inside the stadium to outside of the stadium. It wasn't like it was an accessory added to an existing pole they were moved outside of the facility – both of them. They were paid to be moved by the AT&T or whomever.

Alderman McCarthy

The point that was made is a good one, and the test you would normally apply to that is if the antennas weren't there and we simply came in with a site plan that had two poles of that size to use as light poles for the stadium would that in fact have been approved, and the answer to that question is in all likelihood yes. There was an intention to move the first and third base light poles anyway when the field was redesigned for professional use so we probably would have moved them to that location. Having done that is it then an accessory use to put the antennas on them – whichever motivated doing it that way is sort of immaterial. They are permissible standalone as light poles, and therefore putting antennas on them does qualify as an accessory use.

Alderman Deane

They could have been shortened by about 35 or 40 feet.

Alderman McCarthy

That is entirely possible.

Chairman Rootovich

Are there any further questions on towers? Back on 1670 – commercial retrofit and greyfield redevelopment – questions? There being no questions. Conservation subdivisions – Page 110 – questions? Section 1673 – drive through and drive in uses, page 114 – questions? Section 1681 – Elderly Housing, page 120 – questions?

Christopher Hodgdon

Our comments in our list of comments is that the proposed densities for elderly housing units in RB and RA are too low to promote affordable housing. Our hope is that a middle ground could be found between – I believe an RB and RC is currently at 75 density. Our hope is that in RB we could go to 44 and then in the RA units per acre a density of 14 might be more appropriate.

Chairman Rootovich

Roger any comments on that?

Roger Houston

Yes. This is an area I know the committee looked at and discussed several different times. They ended up with the ... tape flipped ... unit separators seem to be kind of the norm for many of the city's existing and recently developed elderly housing projects. The downtown district was – dwelling units per acre to encourage higher density in downtown. The other two districts the RA and RB are kind of cringe districts; there are a lot of single families as well as duplexes in those districts. Increasing the density the committee felt that was not appropriate in those particular districts.

Christopher Hodgdon

I don't think that we are – the proposed level of 44 would not be an increase over the existing it would be a reduction unless I am wrong. I believe the existing code density is 75. Is that accurate?

Roger Houston

That is correct the existing code is 75 based on a process of – you had to go as a special exception I believe before the Zoning Board of Adjustment.

Christopher Hodgdon

I think that the only structure that would come close to that would be Sullivan Terrace. There are a number of units that if I could describe them as the Mayors' complexes – are all in I would think that 40-44 range. I am not sure that is an inappropriate density. The goal of those developments is to create affordable housing for elderly population. They are people who would use the infrastructure and facilities in the core of the city – downtown included. It seems to me that if we are going to encourage that kind of development 44 units per acre is a reasonable reduction from the current 75, but it is certainly higher than the proposed 12 and slightly higher than the proposed 40 in RC.

Alderman Deane

I have a couple of questions. Roger what significant changes are there from what currently exists to this proposed? We have been working on the project on Temple Street and parking was a major concern of everyone. Then when we go into parking here what we looked at was 1 space per unit or 45 spots. If we would do that today with this it is requiring 2 motor vehicles per unit, which would mean we would need 86 parking spots. What we have been told historically as people get older and they move into a development like that they usually get rid of their car and they use public transportation or things of that nature. That is number 10 on applicability I guess. Could you briefly go over ..

Roger Houston

Existing ordinance on page 1201 of the code if you have that with you – there is a general purpose statement. It talks about special exception conditions so it requires a special exception with the Zoning Board of Adjustment. I can read it or I can just summarize. I think this in terms of density recognizing the desirability of locating elderly housing within the more intensively developed areas of the community where related support services are usually available – the problems of land sandwiched within these developed areas and potential social, cultural, and physical advantages to the elderly. The Board may permit a density level of not more than 75 units per acre for elderly housing projects and a maximum building height and maximum stories of up to those established for multi-family high rise structures in an RC district. Basically they are primarily only allowed in the RC district currently. They have gone in other districts, by variance in the city.

Christopher Hodgdon

This is a section that has changed dramatically between the two versions. There is no longer this specified parking item and a number of these other items here.

Katherine Hersh

There is a bit of a difference – certainly Alderman Deane and I have been working on the Senior Center project for a long time now, and that has 43 units of affordable elderly housing, and it is different than the elderly housing that is anticipated in this section. If you look at this section you will see on page 115 it talks about in the bullets at the beginning it says older persons are exclusively people age 55 and older. The population that is anticipated to be in the elderly housing associated with the Senior Center is anticipated to be older than the 55, but significantly older than 55. It is not in that 55 range. The 55 and older is also empty nesters so it is people that had a house, decided that they were going to downsize, and may both people are still working and they both needs cars. There is for example over at Maplewood there is a section of elderly housing and it is all individual they are not even smaller they are really great. There are certainly two cars that you would anticipate even for two people living in those facilities. The parking is a little bit different.

Brad Whitney

On affordable elderly housing there are more problems with the shrinking fixed incomes for the elderly and bringing them into your home, the elderly parents, will be more and more prominent. There is one problem I have with the accessory apartments on page 100 that it says that the apartment is not to be used for rental purposes by persons other than the blood or marriage relatives of the one family dwelling of which it is a part. I just wonder if that would discourage people from making an apartment to give some respectability to their parents to live in a portion of their house, and then when their parents dies they would either have to tear down the investment or what. It seems to me that it should be addressed to encourage people to be able to make a portion of their house livable for their parents and within the income that they have. I

would like to have a comment on that.

Alderman McCarthy

That provision is actually one that was put into the existing zoning ordinances several years ago in response to some complaints about accessory dwelling units that were being constructed. To the best of my knowledge that section has been used fairly extensively so I believe that it is in fact promoting people creating apartments for parents or in-laws to live with them during that time. I don't think it has been an impediment.

Brad Whitney

What happens when they die to that investment? Do they have to just use it as a household or?

Alderman McCarthy

That is the crux of the problem because the alternative is that as every single-family home in the city gets an apartment added to it they mutate into multi-family homes and that is precisely what we didn't want. I believe that the downside of promoting it in that way significantly outweighs the upside of promoting those investments in the first place.

Alderman Deane

The other argument is you have people that have lived in the community all of their lives and paid taxes into it and they want to retire and they have children and the children want the home and the parents want to stay in the city so they put the in-law type living dwelling on and there is a door in between the two required, and it becomes part of the house when the parents move on. I think Mr. Whitney is right. With the cost of caring for the elders in your family a lot of people don't have that kind of money and a lot of the children today take care of their aging parents because there is no place for them to go.

Katherine Hersh

I think everybody agrees with you that is something that is something that we want to encourage. That does happen now by law and we want to continue to encourage that. What we don't want to do is have those one family homes be converted to two family homes throughout the city, which is why the provision is in there that it has to be a relative that lives in there.

I also want to bring up with regard to the elderly housing I notice that several times it has been said affordable elderly housing and I want to bring up a point that this is section 16-81 there is a section on elderly housing, market rate elderly housing – 16-93 on page 126 – inclusionary zoning is what really helps address the affordability. They are basically two different issues. We have a number of senior housing throughout the city that is market rate. That is different.

Christopher Hodgdon

I think that is a good point – market rate is all relative to the size of the unit. Market rate for 1,000 sq. ft. apartment is different than market rate for a 2,000 sq. ft. single story home with a garage. It is very different. I don't think our assumption in making the suggestion was that – I should say our use of the term affordable was meant to imply that there are a lot of different price points and types of elderly housing. There are some that are market rate, but are less expensive because of the nature of the structure not that they are necessarily for people on assistance or some other type of housing assistance.

Mike Lowe

I sort of would like to go back to Taraverte, which started out with I think it was 69 elderly housing units and not it has ended up with 15 elderly housing units that are \$315,000 a piece. They were supposed to originally have had elderly housing that was affordable. It sort of disappears. They get their permits and they build up half the thing and come back in and ask you to change it. I think that was the one that I can remember the most.

Katherine Hersh

Not to get into a discussion about affordable housing, which is where we seem to be going, but it is all relative. Those \$350,000 elderly housing units are affordable to the 15 people or whatever number of units that are filled. They are all filled. The affordability is based on availability. If you want to do market driven affordable housing you are going to have to address the housing issue in Massachusetts if you are going to start providing “market rate affordable housing” in the City of Nashua. That is what is driving it. I can show you maps of it because that is exactly what is driving it. That is why the inclusionary zoning section, which is new in our ordinances, is really important because what it does is it allows that increased density that you are talking about to create more affordability depending on if there is some affordable housing in there.

Christopher Hodgdon

I think that a point that Mrs. Hersh made earlier was that this is targeted at people who are 55 years and older speaks to our next comment, which is that it is our thought that you could have a parking requirement that is closer to the $\frac{3}{4}$ of the parking space per unit rather than the 1 proposed. It is certainly true that if you are a 55-year-old couple you are very likely to need 2 spaces, but if you are a 75, 85, or 90-year-old individual or couple you may not. I am wondering whether the issue – I don't know how you do it because I can't imagine that you are establishing two definitions of elderly, but the needs are very different and the parking requirements would be very different. If there is some way to consider that we would encourage it. Our recommendation is that perhaps 1 parking space per unit isn't required.

Richard Kane

Under the Federal Fair Housing Act you can only discriminate two age groups age 55 and age 62. I really think it is really interesting listening to the discussion because I really do think we are trying to have one animal be two beasts. We have an ordinance, which as it is written is really I think designed for what I will call the inner city affordable elderly housing – the Arel Manors, the Sullivans, etc., and it allows a very high density and really only those units are typically populated by people who are 62 at the minimum and most of them probably in the late 60s and early 70s and at that point they probably are not driving. Then you have this whole other age group, which is called the age 55 – now I happen to live in an age 55 community and I am about to qualify for an age 62 in another month so I can speak from both sides of the spectrum. I really do think you really probably ought to be talking about two separate elderly housing divisions. One is really an age 55 and I agree with you Kathy those people typically in many cases are still working like myself, they tend to have two cars and they want all the bells and whistles and the density levels are much, much less than what is proposed under this ordinance. Then I think if you had an age 62, which is really geared to what I would call the inner city neighborhoods you would really be talking about different standards where you would have probably higher density levels, higher building heights, and lower parking requirements. That might be the better way of approaching it. Thank you.

Christopher Hodgdon

Our final comment as it relates to elderly housing – this is related to our desire to see higher densities is that the height requirements would need to change as well. If we are going to allow higher densities the two and a half story, 35 foot maximum in 27-3 wouldn't be practical. It is a corollary comment to our desire to see higher densities. I don't know whether – I don't want to jump forward to the divisionary zoning, but I don't know whether one of the incentives in there is an allowance for higher buildings.

Katherine Hersh

I would have to look. I don't know.

Roger Houston

I don't know off the top of my head.

Christopher Hodgdon

I am not really throwing out the question for an answer, but it is a thought.

Chairman Rootovich

Is there anything else on elderly housing? Extractive Industries – any comments? Fences? Gas Stations?

Jay Minkarah

Just a few concerns on this. I am actually concerned about the 750 rule, but I realize that that is existing. I believe that is something we may want to look at because I don't think that we comply with it in probably most cases. I don't think it is practical. It does make sense for gas stations to cluster at certain locations such as highway exits.

Going onto accessory uses that struck me as a bit restrictive and I would suggest that we might consider changing their requirement from not more than one of the following to not more than one of the two. The reason they say that is because these typically go together. Today most gas stations are either, which is kind of a dieing bread, are either going to provide the auto repair service in which case towing is very commonly associated with that – that wouldn't be unusual to have auto repair and towing together, and very similarly car washes are commonly associated with the convenience store type of gas station. I don't think that is inappropriate so we may want to consider that.

Chairman Rootovich

Would you consider accessories also having an ATM facility there?

Jay Minkarah

Today I wouldn't consider an ATM facility to be an accessory use. That is a typical part of a wide variety of establishments. Most grocery stores have them, convenient stores have them..

Chairman Rootovich

I am talking about gas stations though specifically.

Jay Minkarah

Again I wouldn't consider that to be even a separate use. That is simply like a coffee machine.

Chairman Rootovich

What if it is a separate facility on the premises?

Jay Minkarah

If it is a separate drive through facility then that would be a different case.

Chairman Rootovich

Even a walk in?

Jay Minkarah

Again personally to me I consider that to be an ordinary ..

Chairman Rootovich

I am talking about the Shell station off Exit 4 where there is more ..

Jay Minkarah

I would consider that to be an ordinary convenience today. I am not looking at the overall site layout, but an ATM machine generally I don't see that as an accessory use. I have other comments on this section. I don't know if you want to stick to that point or move on.

Brad Whitney

I just would like to mention that gas stations have traditionally repaired automobiles and we talked about repair shops, but some of the gas stations that put in convenience stores in their bays, but a number of them are still repairing cars and they rely on that business. They have only a couple of bays so they have the same problem and concerns for existing service on repairing outside of the bay when they can't get a car out of the bay and they have employees that they are paying to ...

Alderman McCarthy

Can somebody site an example of a gas station in Nashua that still does car repair?

Chairman Rootovich

Texaco off of exit 6.

Alderman Deane

The Sunoco station.

Brad Whitney

Burden's Auto Service on Allds Street.

Alderman McCarthy

I just don't go to any of those places.

Mike Lowe

Where is the regulation for Dunkin Donuts on this thing? Every gas station you go to now is opening up a donut shop.

Alderman McCarthy

There is actually a couple of provisions for gas stations that we had significant discussion of during the committee that I don't see in here that I thought we had addressed. Specifically the placement of the exit of car washes with regard to the street frontage – there is a national standard that says I believe that should be 100 feet and there should be two 90 degree turns in between the car wash exit and the exit from the site in order to keep water from running out into the street and I thought we had a provision in there that basically to be containment provisions for the water from the car washes. I don't remember whether that falls out of some other regulation that supercedes this anyway.

Secondly I also thought we had some discussion about the internal illumination of canopies where in addition to the sign we tend to see very bright colored stripes that are illuminated all the way around the canopy and basically constitute additional signage that is not calculated in the sign limitations. I thought we had done something with that as well.

Alderman Deane

I couldn't agree with you more – you want to head back down to your favorite ATM area that car wash down there by Exit 4, that road turns into glare ice right over Salmon Brook. In order to get rid of the problem the street department has to go down and heavily salt that area. The other one is up on Amherst Street that does the same thing.

Chairman Rootovich

Getting back to that same issue the concern I have is when we have multiple facilities at a gas station – here you have a gas station that has three islands, you have a super market, you have a bank, you have post office, you have a car wash, and there is always some function going on out there whether its is Girls Scouts – they are all doing good things, but I mean if you want to go anywhere in the city where you talk about a chaotic state – there are unbelievable things going on. You can't get in and out. It is just a nightmare. They wanted to expand that gas station at one time if you remember. I can't even believe they are talking about that. Even inside the building. You can't stand more than 2 feet deep in line. It is a nightmare.

Bette Lasky

I just want to reiterate what Alderman McCarthy said. I am surprised not to see more specific things because we did spend a lot of time. I can really remember Mr. Doufore going nuts. The

thing is Alderman Deane after that – as I said that was the quick essential and that was the first gas station of its type with all the multi uses on it. We learned from that. I know Mr. Doufore and I made a fieldtrip to a number of car washes when the next one came up as far as distance and things like that so that if nothing else I hope you all agree that those kinds of things should be included in this ordinance so that we do have something to hang our hat on particularly the distance with the car wash.

Chairman Rootovich

Is there normally a traffic pattern submitted with a site plan on how cars will get around?

Bette Lasky

You are right. It is a disaster waiting to happen in there. It astounds me everyday that there isn't. Luckily there are not more problems.

Alderman McCarthy

I want to point out a couple of things with that site and the one at the other end of Northeastern Boulevard. First of all I would point out that I think that station is now owned by the corporation and is no longer independent by the way. The one at the other end of Northeastern Boulevard has obtained approvals to build a station that is just about as intense as that on a lot that is probably less than half of the size including three pump islands, a convenient store, and a car wash with a circulation plan that was filed that I commented to the Planning Board I thought was entirely inadequate when a tractor trailer was on the site there was virtually no way to exit – there is no way to get around the building. If you understand that site you can't exit off of Main Dunstable Road in the direction that most people go without going around the building and onto Northeastern Boulevard, and yet our ability to regulate the intensity of that site seems to have been completely curtailed because after denying the site plan on several occasions it was appealed and I believe ultimately granted by the Superior Court. I think we need to be very careful about – I think in that particular case that station is in a very dangerous intersection with a high accident rate, the circulation plan is just terrible. I went over there one day and they had actually put in a rack of propane cylinders that was sitting in the two foot landscaped buffer between their property and the residential property next door, and was directly in front of where anyone has to come when you go to make the turn to go around the building to get out of the station if you miss the turn what you will hit is the 16 propane cylinders sitting in front of you. I think we need to actually spend a fair amount of time on this section getting those restrictions correct because I think we have cases where there is way too much intensity on some of these sites for what the site will support.

Katherine Hersh

I was going to make a comment about the fact that my biggest concern is as much as I understand all of those concerns and share some of the concerns about circulation on sites, etc.,

my biggest concern is how that plan interacts with the adjacent site so it was the street – when for example the issue of the car washes and the distance and the water coming out onto the street for me those issues are much more of my concern. If you get stuff on a site where they have poor circulation you will learn not to shop there and that market will drive – now I have changed my opinion on that.

Brad Whitney

Regarding the water going out into the street, there is technology today that they recycle the water and that could be a consideration to save water and also to recycle it so it doesn't go in the road.

Bette Lasky

That is already part of the equation.

Mark Fougere

I guess the Chamber's comments are somewhat opposed to some of the issues that were just raised. I guess our first concern is a point of clarification. Right now gas stations in section 16-84 and multiple use gas stations with convenience stores are separate under two different sections. Section 113 us on page 138. We believe that at a minimum they should be attached to each other one after the other so that they are at least near each other. One of the problems with the existing is that at times there is different regulations that are not together and separate so you think you are dealing with one section and you have everything covered, but actually there are more provisions in there. Tying the two together either combining the two sections or at least having them one after another I think would help clarify. They are basically the same issue. Having them close together I think will help people that are looking at the ordinance and trying to get advice on how to proceed on a proposed use.

As far as the ordinance itself on page 120 and 121 there is a provision that has to deal with the usage – convenient store occupies more than 25% of the floor area – we have a concern about that as far as the number of uses. This is the state of the market today. A lot of people who own these facilities this is a way to stay in business and the way the market is going – having a number of different conveniences for people. This is what people want to be able to go to one facility and take care of many different issues.

The other concern we have relative to multiple use gas stations on 113 is the stacking requirement, which is almost as long as a football field. We believe that is excessive. Ten cars stacked would be adequate. There are two drive throughs that the second one could be 105 feet or seven cars.

Also on the multiple gas station/convenience store section again we get back to the number of uses and accessory uses that are dictated by that table 113-1 – an ATM is considered an

accessory use. A copy machine, a fax machine – these are typical conveniences that are part of our lives today and to call them a separate use I think is excessive. If there was a Dunkin Donuts and a Pizza place or things like that inside there that would be definitively a separate use, but having a fax machine being considered an accessory use I think that ...

Chairman Rootovich

From my perspective I am not talking about a copier or fax machine. I am talking about a bank or a car wash.

Mark Fougere

I am just reading from the ordinance.

Alderman McCarthy

I actually just looked at 16-113 and I think the origin of that and the reason those were considered separate uses is basically anything that is likely to be a destination that would attract car traffic was considered a use because it will in fact increase the intensity of the use on the site just by its existence. If I have a store without an ATM and one with the ATM there are people who will pull in because the ATM is there and that is going to increase the requirements for traffic flow and for parking and the intent of section 16-113 was to link the intensity of use anticipated on the site by the uses that are there to what is required in terms of the site area. If there is a better way to do that I would love to hear proposals for doing that. The intent was, and this section was particularly driven by the site that Alderman Rootovich brings up of there is just so much you can put in a 5 lb bag and we tried to create a score sheet to try to figure out what that was.

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Mark Fougere

I understand that. I guess the concern we have is some of those what we consider minor uses shouldn't have to apply or be considered accessory.

Our final comment has to do with the table as far as lots within 400 feet of a residential zoning district. Since most gas stations are located within 400 feet of a residential zone the Chamber believes that further restrictions the number of accessory uses within this category by distance to a residential zone is an excessive will actually create non-conformity for most of these stations since most of them are in or near or within 400 feet of a residential zone.

Christopher Hodgdon

I think that this has been pointed out, but I really would just like to reiterate it – I think that we can all look around the community – this is one of those issues and the camper issue seemed to be a similar one where we could all relate to the issue, we all see it in the community, and we all

have personal tastes and dislikes and observations. I think that when we are working on these two sections we should be careful not to limit uses and the number of uses and how it is going to be used simply because we see current examples of poor traffic patterns, poor site plans, etc. I would be cautious to say you can't do something because the example that we have in front of us was done poorly. I don't think that we should assume that it can't be done well because we haven't seen it applied well yet.

Bette Lasky

I don't disagree with you and your basic premise, but again I think alluding to what Alderman McCarthy said the more uses you put on a site you are just right for bad traffic patterns and things of that nature. A site can only be utilized so much where regardless of whatever thing you do you will run into trouble. That is what this is intended to do is so that the Planning Board or the Zoning Board or whatever board it is has something to hang their hat on to say this is enough. Right now we really don't.

Christopher Hodgdon

I think I can buy the argument that every additional use has some increase in intensity. The level of that increase in intensity may not rise to the level of an additional use though, which is our concern. A walk up ATM sighted next to the door is I think intended by the property owner to be used by someone who wants to pay for gas or whatever with cash. While it is certainly possible I don't know if someone would want to drive up, get out of their car, walk in and use the ATM and then just go and leave. I just don't know how often that happens. Maybe I am overlaying my personal way of getting cash out of an ATM. I have never done it. I am sure people do, but I think that is a different use than say – the intensity of that use is a lot different than a video store where I can see that generating numerous trips particularly at key times of the day really creating a lot of congestion. I think what we are saying is that there are some additional uses. An ATM is one that I would suggest doesn't rise to the level of others like a convenient store or video store. I would have to refer to the code at Dunkin Donuts. I don't know whether there is some way to distinguish between the two because those are uses that people want. They want to have the convenience. I don't know how you can distinguish between them.

Bette Lasky

I think that you certainly have a point. The kiosk that is located right next door where everybody can park, but when you have it in a separate area if you come to a destination area of a zone, and that is what is happening on the site we are talking about. If there is a way to differentiate those kinds of things then that may be the way to go.

Christopher Hodgdon

I think you are right. I think if you have a drive up ATM it is universally different than the one that is situated in the store. Are there ones in the city that are drive up like at a convenience store?

Bette Lasky

Yes.

Alderman McCarthy

I must be the exception at the other end Chris because I stopped particularly at the one at 7/11 at exit 5. Several times a week I will stop there only to go in and use the ATM and leave without doing any other business. Likewise it used to be the one at the general store in Groton on Route 119 when I was working down there. They are more convenient to get to in many areas than other ways of getting cash. Your point is well taken about – I think that the problem in here may be that we have tried to do this with levels of use that are looked at too carefully and that we need to do some analysis on what – an ATM has some impact. It is probably not the same impact as another pump. It is probably some percentage of that and maybe what we need to do is go back and developed a better scoring system for what we think the underlying land requirement is for a different set of uses.

Brad Whitney

Regarding businesses inside of buildings like a store or whatever – every single business principle taught in colleges of business to teaching people to operate a successful business all are designed to increase the intensity of use of their facility. In other words in pharmacy was getting so many sales per square foot. Everybody was part and that goes for any business. When you start out you don't have much business and to be successful you have to increase the intensity of use of whatever you've got. That is a basic requirement for running a successful business. If you have limitations to that which are unreasonable it affects a person's ability to be successful in his business. I am not talking about multiple buildings on a property. That is a consideration because otherwise they can't exist.

Mike Lowe

I think one of the things we don't look at is when we were at the Planning Board meetings we get people telling us that well you are at a gas station that will only take 5 minutes – you don't allow for the guy who comes in, pays for his gas, goes in and gets a newspaper and a cup of coffee, walks over to the ATM then from there goes and has his car washed, which is probably 20-25 minutes. They don't even take that into consideration and that is the problem. It is over utilization of these things by individuals because it is there, it is convenient. You end up running into traffic because you can't get out in the traffic on some – especially the Exxon station that you are talking about. The one at the other end is even worse. We turned it down three times and then they finally went to court and now it will be horrible.

Chairman Rootovich

I am going to allow any final comment from the audience with respect to this, gas stations or anything else we talked about.

Unidentified Speaker

I actually think you are getting a long ways towards a compromise, which makes sense. I think if you look at the intensity of the use – I am very familiar with the Exit 4 Shell station, but there are a lot of stations up on Amherst Street that have similar facilities where you don't have that problem. For example there is a difference between Dunkin Donuts at a gas station with a drive through Dunkin Donuts versus one where you have to go inside. There is one up on Exit 6 at the Exxon station across from the Mobile. It is a really very small use. ATM inside the building I think is very different than an ATM as a separate freestanding facility. I think the issues of a copier and a fax machine I think is a really minimal use and generators. The only other thing I want to mention is with reference to the stacking distance. Under your multi use gas station/ convenience store you require for 1 drive up window a 250 long area, which is almost a football field. A football field is 300 feet. If you have two windows you require 200. That is on page 138 yet on page 115 where you talked about drive through facilities you have a one lane only requiring 160 feet and a two-lane window requiring 140 feet. There is obviously a conflict there. I do think the 160 and 140 is a much more reasonable requirement than the 200 and 250 that is shown on the convenience. I would like to understand the difference. Just so you understand a typical American car today is about 14-15 feet long so if you have 150 feet you have ten cars that will stack up there. When you are talking 250 feet you are talking about stacking up somewhere close to 17-18 cars. Thank you.

Alderman Deane

I just wanted to comment on his car stacking. The new Dunkin Donuts down on West Hollis Street has cars stacking in the morning right out in the travel lanes of West Hollis Street to the tune of it is unbelievable. You go down there some mornings and there are 10-15 cars just waiting to get through there. That site I know they had to move some curbing, but that is another area where there is a three-lane roadway. I am just thankful that they took that ramp going up by the old ramp that went up by Edgecomb Steel out because people go down that road at a good clip. I was doing it the other day and all of a sudden there is just parked traffic on West Hollis Street. I think looking at areas to store vehicles in drive throughs is an important thing that should be looked at.

Larry Lesieur, Maynard & Lesieur

A couple of quick comments – regarding the gas station I think one of the big concerns – Terry Glidden was here at the last meeting – Glidden is on Main Street who is a small gas station that also does repairs and other things – his concern was to make sure they were grandfathered,

which they are. Gas stations today is big business so you are not going to see me open one although the former Mayor opened one – for the most part it is all big business today with all the regulations. I think the big concern was to make sure people like that are grandfathered because he said you mean I have to get rid of my gas to do repairs outside and I said no you don't have to. I think that is somewhat of at least the concern there. Gas business today is big business. It is Exxon, Mobile, Shell you name it – those are then only guys that will open gas in the future in my opinion.

The other thing I just wanted to mention going back to campers, which I think is kind of funny because on the committee the reason we didn't really talk about it that much was the regulation proposed here is exactly what we have right now. I hope nobody is watching this that has a camper parked there with guests because you have 72 hours to call your administrative officer and basically get in touch with – if you were hooking up to water you also have to get in touch with those people that we were talking about because that is what we have to do right now. It sounds great, but we have this rule right now and I would be curious how many people have called the administrative officer and said that they have a guest there. I think the big problem is enforcement because you are talking residential people and they don't know what the law is and how would they. I think Mr. Houston got to the point which said if somebody is being obnoxious about it and somebody calls the city that there is something there that they can kind of act on. I think when you were getting hung up on campers and everything just so you know that is what the rule reads right now in the existing land use code. It is not really enforceable unless somebody is obnoxious. Just as a practical standpoint for you to know that sometimes things look great in print, but they are not really enforceable and that is why I am here to tell you that some things like that do happen just so you know. I don't have the exact page in existing code, but I know it is verbatim what exists right now.

Chairman Rootovich

Is there anything further? What is the pleasure of the committee – continue – adjourn?

Christopher Hodgdon

Earlier on we indicated that there would be a special meeting scheduled to apply for downtown and ... can I ask that we have a special meeting for sign issues as well? The sign ordinance – part of the code.

Chairman Rootovich

I don't have any problem with that.

Christopher Hodgdon

Thank you.

Bette Lasky

I did not get the minutes from the last meeting. Were they supposed to have been given out to everyone?

Chairman Rootovich

I will call Sue in the morning and if they are done I will make sure that they are available at that time.

Bette Lasky

Get my name on the list or something?

Katherine Hersh

Are they already on line?

Chairman Rootovich

No they are not on line yet.

Katherine Hersh

Is everybody familiar with how to find them on the web site?

Chairman Rootovich

You can get them that way.

Bette Lasky

I am not asking to put any extra burden. I know how burdensome these minutes are. Are they available on line prior to our meetings?

Chairman Rootovich

Yes.

Katherine Hersh

Normally they don't get on line until they get passed to the Aldermen.

Chairman Rootovich

What she puts is unofficial on there until they are accepted by the full Board.

DISCUSSION

ADJOURNMENT

MOTION BY ALDERMAN SHAW TO ADJOURN
MOTION CARRIED

The meeting was declared adjourned at 10:02 p.m.

Alderman Kathryn D. Vitale
Committee Clerk