

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

AUGUST 17, 2004

A meeting of the Planning and Economic Development Committee was held on Tuesday, August 17, 2004 at 7:00 p.m. in the Aldermanic Chamber

Chairman David Rootovich presided.

Members of the Committee present: Alderman Kathryn D. Vitale
Alderman David MacLaughlin
Alderman Robert G. Shaw, Jr.
Alderman Richard LaRose, Vice Chair

Members Not in Attendance:

Also in Attendance: Bette Lasky, Nashua City Planning Board
Mike Lowe, Planning Board Liaison
Jay Minkarah, Director, Economic Development
Christopher Hodgdon, President Nashua C.O.C.
Mark Fougere, Planning Consultant
Sean Duffy, Zoning Board of Adjustment
Richard Cane, Flatley Company

Chairman Rootovich

For the record two quick announcements before we go on. Mr. Houston did call and said that he had a family obligation this evening and couldn't attend. We have set aside September 7th to discuss the specific districts for downtown. That evening is put aside just for the downtown districts.

Jay Minkarah

If I could add on to that, Ron Carter from Urban Design Associates is also going to be here that evening to do a brief presentation on the downtown master plan before we get into the discussion.

Stop me if this is a little too tedious or a little too – I was going to say routine, but it is not routine. The first one addresses an issue that we talked about last time, which was building height. There was a discussion of the existing section of the zoning ordinance that allows for greater height in the Park/Industrial, in the Highway Business zones. This also relates to an issue that was raised under Transit Oriented Development. The way I structured this, and I

hope it is not too difficult to follow, is what I have tried to do is show the section that we are talking about, give you the page reference in the proposed codes – in this case it would be page 43, and what the intent of the first item is to amend that section on page 43, section 16-27 on dimensional regulations, to bring in that existing provision for the additional building height in the Highway Business and Park/Industrial sections. I hope everybody is following me as I go through it.

As you can see the language that is added is in italics and language to be taken out has the strike through or that I am proposing at least to be taken out has the strike through. As you can see I added Transit Oriented Development. Otherwise this is the same language. There is an error in the way the language is currently written in the Zoning Ordinance. It just says number of stories twice whereas it should say height.

Mike Lowe

Your 43 is not matching with my 43.

Jay Minkarah

Maybe I referenced the wrong page. The page reference of 43 should be referencing the section of the zoning ordinance that it is intended to amend. On page 43 of the proposed land use code, sub-section I, Height of Buildings and/or Structures. The intent here would be to where it says to include you would see where I am on I. Is everybody there? The intent would be to insert this language as a new sub-section 3. As you can see under I right now there is a sub-section 1 and 2, and this language would become 3. Essentially it is bringing in the language from the existing zoning ordinance, putting it in here, and in addition to that it is amending it. It is modifying it in a couple of ways. One to make this apply to Transit Oriented Development as well as to Park Industrial and Highway Business. I did propose increasing the height. The current height limit is 80 feet. After the discussion for the Chamber comments about building height, of course that reference is a 10 foot building height, eighty feet for eight stories, I kind of split the difference between the 15 and the 10 to 12.50 and that got me to 100. I propose making it higher because 80 feet does seem to be inadequate. That is the only change. Shall I move on?

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Chairman Rootovich

Are there any questions? Please continue.

Jay Minkarah

The next is totally unrelated section. This would be pages 75 and 76 in the proposed land use code. It relates to the Mixed Overlay District. These are relatively minor, but important for other reasons. If you look on page 76 of the proposed land use code under small sub-section D there is a list of permitted uses in the Mixed Use Overlay. Towards the bottom, the second from the bottom is motion picture establishment indoor. What I propose doing is changing that to say

movie theatre or performance theatre. In going through this I realized that we don't allow performance theatres in the Mixed Used Overlay District, and that seems to be a reasonable use. The other intent is to make the permitted uses, which I will get to at that point as well, to make the permitted uses in this section of the zoning ordinance consistent with the way they are worded in the Table of Permitted Uses. I will come back to that point.

Secondly it is simply to add another line in this sub-part D to allow museums and art galleries as a permitted use. Again what I have done is I have put the reference number, that is use number 216 in the table, and the prior one was use number 215 in the table. I have given the page numbers as to where those are. That is page 34 in your land use code. That relates to the third comment in that one of the things that I found a bit difficult in going through the ordinance is that in the sections that list permitted uses for certainly special districts they sometimes use terminology that is different than what is used in the Table of Permitted Uses, which is an overall comment that perhaps when the consultant comes on board to go through the document and use the same language for all the permitted uses and reference the tables. I didn't do that, but I think that is certainly something that the consultant could do.

Next is the Water Supply Protection District. That is on page 81 at least a portion. The District itself starts on the prior page. This goes to the section on permitted uses. If you look on the top of page 81, one in parenthesis – uses permitted by the article – as you can see the language that is proposed to be added is in italics and I will read it – now the way the first section is, the way it reads now “Unless permitted by the Article all uses are prohibited in the Conservation Zone. Activities that maintain existing uses associated with municipal water supply and treatment are allowed in the Conservation Zone.” I propose adding to that “forest management, wildlife conservation, and passive, non-motorized recreational activities are permitted when developed in accordance with a Forest Management Plan consistent with NH DES, adopted or approved best management practices and rules approved by the Nashua Conservation Commission.” By NH DES I mean the New Hampshire Department of Environmental Services.

The next paragraph is very similar. This talks about where tree cutting can occur in the district. I am going to go to the middle of that paragraph and start with the pertinent sentence that starts with tree cutting. “Tree cutting is strictly limited to what is absolutely necessary to construct and maintain the vegetated swale. All other tree cutting in the conservation zone is prohibited.” What I propose adding in parenthesis is “except for tree-cutting consistent with a Forest Management Plan developed in accordance with NH DES approved best management practices and rules, approved by the Nashua Conservation Commission.” I did follow that with a rationale, which I don't typically do.

Bette Lasky

I have a question on who enforces the Forest Management Plans and whether the applicant or the developer is acting in accord with these DES rules?

Jay Minkarah

Most likely it wouldn't be a developer at all it would be a land owner, probably the city, perhaps in another part a large land owner, but in this case because the Forest Management Plan would have to be approved by the Conservation Commission. The Commission through Code Enforcement through the City staff would enforce it.

Bette Lasky

Thank you.

Sean Duffy

Does that include along watershed areas owned by water supply district? Are we talking about forest management or water preservation? Not tree farming of private lots, but watershed protection that helps protect the watershed and the hydrology of the land – two different types of plans correct?

Jay Minkarah

Yes. These would be Forest Management Plans that would be prepared for purposes of managing the forest itself – the forest land itself.

Sean Duffy

Not the water supply?

Jay Minkarah

Not necessarily the water supply although a Forest Management Plan adopted under these types of rules and guidelines would always be designed in consideration of surface waters and wetlands.

Bette Lasky

In a large piece of property that a developer may have had a site plan on at one time and there are restrictions to that site plan – in other words there are buffer zones, etc., so called forest management occurs within that parameters that nothing should be done – does this include the likelihood of that happening or does it affect anything like that happening?

Jay Minkarah

This would just be a proposed amendment to the proposed zoning code that would allow for these additional uses under the zoning. It wouldn't have any bearing on any restriction put on any site plans.

Bette Lasky

Okay. It shouldn't, and frankly those restrictions that exist on the site plan shouldn't allow it to happen anyway, but it does. I just didn't want anything else to be in the codes that somebody might point to and say well this allows me to do that especially if a site plan is expired.

Jay Minkarah

Again I think that is why what I viewed as important here is that you do have to have Forest Management Plan and it does have to be approved by the Conservation Commission and it does have to be designed in accordance with the best management practices. It is not in any way intended to be a free for all, it is intended to be a very limited controlled circumstance.

Bette Lasky

Thank you.

Jay Minkarah

I won't go through the rationale, but I did put one in there just because of the sensitivities. I would not ordinarily do that.

Moving onto the Transit Oriented Development starting with the Purpose Statement, page 96. The intent here is to basically address the need to relate development that is proposed in any given area and planned transit stations. This is proposed to amend the last sentence of the introductory statement to Transit Oriented Development. You can see what is added here. In this case I went to bold because the whole thing was in italics. The additional language is in bold. It simply says TOD or Transit Oriented Development is restricted to areas within one-half mile of an existing or planned transit station. Then the next section this proposes a couple of changes to the section on permitted uses – use and density. It does a couple of things – I won't necessarily read it, but what it does you can see the language that is added in this case is again in italics – Any uses permitted in the underlying zoning district(s) would be allowed in addition to what is permitted in the RC or D zoning districts. In addition to that, shopping centers or superstores over 25,000 sq. ft. are proposed to be permitted as a conditional use under the thinking that there may be some areas where transit oriented development is located where larger stores may be appropriate.

Going to the next page, this is a pretty minor change and perhaps important under Accessory Dwelling Units. The applicable page in the land use code is 100. From looking through it, it does appear that this was amended before, but I think it important that we recognize that families aren't created only by blood or marriage, but also by adoption, foster care, and felt it was important to put at least a qualification in there that it includes individuals related to the occupants of the primary dwelling through adoption or other legally sanctioned or created

arrangement.

Bette Lasky

Legally?

Jay Minkarah

Foster care, kids placed in a home, maybe others.

Chairman Rootovich

I guess I have to ask for an example. What are you concerned with?

Bette Lasky

Same sex couples that are perhaps not legally sanctioned but are families nonetheless.

Chairman Rootovich

Point taken.

Bette Lasky

I don't know how...

Jay Minkarah

I thought about that and I didn't know how to do that either.

Chairman Rootovich

I can assure you we are not going to get in a discussion about that.

Bette Lasky

I understand that. There are others, and there are other families that may not be – even common law families. Maybe we could think about it. First of all it is discriminatory if it is only blood of marriage. I don't think it would hold up.

Chairman Rootovich

We can give that one a thought. Mr. Whitney you had a comment?

Brad Whitney

I think it has been taken care of. It had to do with things like foster child.

Sean Duffy

I feel more comfortable with the original language. I think it is very clear, very direct, no interpretation, and again it gets a little – to the future who know definition legally what that means. It can always be addressed at a future time if circumstances require that.

Bette Lasky

Just so I understand, Sean you want to keep it as others?

Sean Duffy

Right because again you are just opening yourself up for a lot of interpretation of the legal definition of timing, the substance, the complexity, the explicit and implicit definitions that are there are just blood and marriage is pretty succinct and again if you are talking about the uses in residential areas and different places in the city you don't want to have too intensive of a use and overuse of the property, etc. It is a little bit more simplistic in the definition of the original ordinance. You don't want to make it all-inclusive and open up to all kinds of interpretation.

Chairman Rootovich

I guess it could be challenged otherwise.

Bette Lasky

It can be challenged this way as well. Under that rationale there are blood and legal families that have 12-14 people in them. I don't know. I don't know how to resolve it and I understand where Sean is coming from. It does open up ...

Sean Duffy

It is the number of uses and how many units through the city will be expanded uses versus a succinct and defined use in different neighborhoods that are already existing. This isn't developing unused places this is current property that will potentially be more intensively used.

Bette Lasky

Couldn't you then speak to what exactly it is you want to limit intensity of use and ...

Chairman Rootovich

We have to give this some thought. Like you said you have to be very careful of how you word that – there are discrimination practices – you have to be very careful.

Jay Minkarah

In the next 1-5 years this may change dramatically. We don't know. It is just a thought.

Bette Lasky

Perhaps we could all think about it. Mr. Chairman do you want to resolve this tonight?

Chairman Rootovich

No. I would like to give it some thought. I made a note here. We can give it some thought. We don't have to address it right now. Please continue.

Jay Minkarah

The next is a section on Bed & Breakfast, which starts in the middle of page 102 in the proposed land use code. The first section I try and intervene as simply as possible, but there is a bed and breakfast guestrooms table, and the number of tables that are allowed. In this case, I suggested adding a note directly under it that up to 7 additional guest rooms may be permitted in the RC district by special exception. The reason for that is although I realize the RC district is diverse there are some sections of the RC district that are adjacent to downtown that tend to have some particularly large, older homes that may be very appropriate for this use. Really three guestrooms doesn't really make a bed and breakfast so I felt special exception would be kind of a middle of the road way to go in allowing a little more use – closed to the LB or GB.

The next section starts at the very bottom of the page starting with the sentence that says "Except as provided for by subsection (3)", I couldn't find a subsection (3). I just proposed striking that reference. I did get the feeling though as I read through this that this was designed primarily to protect residential areas. It seems where you have hotels and motels, and they are already allowed in a commercial zone, that I just stuck in that reference you will see in the second line "No bed & Breakfast establishments located within a residential zone are permitted within three hundred (300) feet" and so on. Then again if you go I think it is to the fifth line down "within any residential zoning district" – fairly minor.

The next section is with Child Daycare Facilities on page 104 – really very similar thinking. This addresses – it is the very last criterion (D) outdoor play – this restricts outdoor play to the hours of 9:00 a.m. to 6:00 p.m. Again I presume that is probably to protect people within residential areas. I suggested inserting the words "outdoor play for child daycare facility located within any residential district". I actually toyed with changing the hours themselves because 9:00 a.m. seems like a late start, but I didn't do that thinking this might be sensitive in some areas so I left

that one alone.

Mike Lowe

I agree. I think some of the daycare centers are open at 7:00 a.m. I don't; see any reason to restrict the kids from being outside at that time.

Alderman Vitale

Are the elementary schools considered within a residential district because they have the before school programs that start like at 6:00 a.m. and they do go outside to play before that 9:00 a.m. time.

Jay Minkarah

I know. I thought about that too. I wanted to push it back, but I didn't thinking there might be something that was sensitive. In some of the hearings I know that they have come before the Zoning Board. I think it is an issue. Six o'clock is not uncommon.

Alderman Vitale

I would hate to have something come up that wouldn't allow the schools to let those kids go out before school started especially the schools that start right now at like 9:18 a.m. They are out there playing. They show up even by themselves way before then.

Alderman LaRose

People who live around the school expect the kids to be playing before school starts and so forth and so on. I think that if you have a daycare in the middle of a neighborhood somewhere they kind of don't expect kids to be out that early. I think 9:00 a.m. is a reasonable time. I suspect that some of these people who take care of children probably also give them breakfast and by the time they get everything going it is probably 9:00 a.m.

Sean Duffy

Just for information. The practice at zoning because I have been there for about 6 years now, that is usually site specific – specifically on daycare because schools we know buses unload and that is even louder than recess time sometimes. It is usually dependent on the neighborhood, the size of the property whether it is three children, six students, six children or twelve – the distance from the yard to the fence. Sometimes these are R9 lots on 9,000 square feet with no setback area. Generally they are 10:00 a.m. outdoor play. Nine o'clock is actually kind of early. Nobody starts playing at 6:00 a.m. anywhere that I am aware of outside. It is really neighbors in residential zones don't want children out that early.

Chairman Rootovich

Is there anything further?

Jay Minkarah

Could I suggest maybe we could put an exception in for the schools.

Sean Duffy

School is not a child daycare facility. Even though they may have on site daycare in the future again it is grandfathered that they will be unloading buses at 7:00 a.m. or 7:30 a.m., students will be outside all the time. I don't think that is technically a problem. That is my guess. That is the way I read it. These are mostly residential neighborhoods, residential house next to a house. Some of these either have 2, 4, or 12 more children on that property other than their own children.

Chairman Rootovich

Is there anything further Jay?

Jay Minkarah

That was my last one.

Chairman Rootovich

I guess my general comment is I was under the impression we had nobody in the department who could come together with some language, but apparently we do Jay. I was told that we didn't have anybody in that particular division that could craft some language with some changes for some of the amendments, but apparently we do. I will discuss that with Mrs. Hersh later on. Are there any further questions? I guess we will continue. On page 123 Halfway Houses and Community Living Facilities – Any questions, concerns, issues, problems, recommendations?

Jay Minkarah

I have not had a chance to draft anything on this, but I did have some concerns. I think it is just a section that we want to look at a bit. I will give you some of the broad concerns. The concept of halfway houses or what we call community living facilities I think are a really positive way re-integrating or integrating people into the community who are either being de-institutionalized or are rehabilitating for some reason. I think one of the real benefits of that is that you are in a residential area; there is a degree of normalcy that happens with that. That is one of the benefits of having a halfway house. I am concerned with the intensity of the uses that are allowed in this. When you look at the Table of Permitted Uses, halfway houses are allowed as a

conditional use in all residential districts, but it doesn't appear as though the intensity of what is allowed varies by district, and I think it probably should. For example you can go up to a maximum of 32 people within a halfway house located in a single family residential neighborhood – that seems to be a little bit more like an institution versus what I would think of as a halfway house. Maybe that is appropriate in a more intense district, but probably not in a low-density single-family district.

In general, I think we should probably stagger the size of the facility allowed based on the district that it is located in. Also I think it makes sense to have whatever structure is built meet the same setbacks, the same dimensional requirements that other homes in that same neighborhood would be so that you could generally keep an appearance that is consistent with the neighborhood. There is also a reference under building design to would appear to be multiple buildings with 40 foot building separation. Generally in a residential neighborhood you tend to have one principal building, which is the residence and then some accessory uses. I think that is probably something that ought to be address. Then probably also suggest not having parking lots located in the front, side or rear setbacks because that would also do more to kind of keep the appearance of the area. I think the concept is a good one, I just think it probably needs a little more working to make sure that whatever is built is generally compatible with the neighborhoods that they will be located in.

Brad Whitney

There are many – first of all I don't think that this should apply to residential homes or apartments where people who are being treated for mental illness reside for these particular reasons; many of them have at one time in their lives been institutionalized and they have been brought into the police station and kept overnight a few nights and then taken to the State hospital, and then get treated and released and lead a productive life. They also, many of them have periodic visits from their councilors to see that they are taking their medication and things of that nature and cleaning services. I would suggest on page 123, number B at the very last or where it says the next to the last page at the end – next to the last line of the paragraph – following a period of imprisonment or institutionalized treatment I would put following an immediate or recent period of imprisonment or institutionalized treatment because if a person was in prison ten years ago and is now fine and on medication – many return and become productive and get jobs. I think that it could be looked at a little bit. Some have anxiety attacks also and they are required to go into an institution for a day or two. I don't think it is perfect in the reading.

Chairman Rootovich

Are there any further comments?

Sean Duffy

This came out in some recent New Hampshire case law and legislation that came out that is why

we made the reference to the RSA. That was presented for the committee to take action on to either adjust and be tested or untested in the future. This is coming directly out of current definitions in the State of New Hampshire.

Chairman Rootovich

Are there any further comments? There being none we will continue with Section 16-92 Home Occupations – any comments, concerns?

Brad Whitney

Does anyone know how they came up with 20% of existing gross floor area? Is that a standard?

Sean Duffy

It is the current ordinance – current percentage that was there. We decided not to increase or decrease it by discussion.

Alderman Shaw

That probably speaks to what I was curious about. Is the language in here essentially consistent with what we already have? Thank you.

Chairman Rootovich

Sixteen ninety three – Inclusionary Zoning –

Brad Whitney

Going back to page 125 on number 8, it says on the second line “which shall exceed two square feet in area, and which may only identify the occupant’s name and address” – this is home occupation. Major occupations allow the name of the business on the sign, but home occupations just the name of the occupant. Thank you.

Alderman MacLaughlin

The same section, but line 9 under commercial vehicle storage, it says not more than 1 shall be stored, parked, or otherwise situated on the premises such vehicles shall not exceed 25 feet in length. Does this have any statutory enforcement provisions when – if there is proven to be a fleet of vehicles as in any more than 1 parked along especially a public street or adjoining parcels of land – some situations may exist that ..

Chairman Rootovich

I can address that. I can tell you that in the last ten years I have been on the Board I have had several calls from various constituents throughout the city, many in Ward 9 through the years, that have that issue where there were multiple trucks parked on their property. I can tell you that Mrs. Gaines from Code Enforcement has been very helpful in that area and has really addressed those immediately.

Alderman MacLaughlin

Excellent. Thank you.

Alderman Vitale

I was going to say the same thing. I know that I just started calling her. It gets taken care of right away.

Brad Whitney

A number of employees drive their company vehicles home at night and I see electricians have a company car, and I was just wondering if the spouse worked in one company – each spouse worked in a company where they got an employee vehicle and they wanted to come home with it, one an electrician and one a plumber – would that create a problem?

Chairman Rootovich

I am not going to interpret the law, but I would assume it wouldn't. This is not a home occupation. They are driving their vehicles to and from work. It is not a home occupation. It is a separate entity.

Anybody else – 16-94, Junkyard, Automotive recycling yards, and motor vehicle recycling yards on page 131 – 16-93 – my apologies – any questions on 16-93? Moving onto 16-94 – any questions, concerns, issues, and suggestions? Moving right along 16-110 Manufactured Housing, page 133 – any questions? Moving along to 16-111 mini-warehouses, page 137 – any questions? Okay on to 16-12 Mixed Use Buildings and Live Work Units, page 138.

Jay Minkarah

Just a brief comment – when you look at the top of page 138 there is the table that shows the density, ratio of residential floor space based on the various zoning districts – I would suggest that we strike out the D zones from this. When you look at the ratios it doesn't work for the downtown district and for the uses that we allow in the Mixed Use Overlay. I would just suggest striking that. Otherwise I think it is reasonable, but not in that district.

Mike Lowe

What about if we go up to some of the hundred foot buildings? You are saying that you couldn't

have 50 units on say a 1-acre lot where there is 30-40 residences?

Jay Minkarah

Maybe I am not correctly reading the way it is structured, but for instance when I look at the one to one ratio of non-residential floor space for residential in that district I am not sure, the downtown district, with that one to one ratio really works because I think it is more common to have a greater proportion of residential to non-residential. That was really what I was looking at mostly because you will notice that the D zone is included in all of these sections. I think when it comes to Mixed Use the downtown zones in the Mixed Use Overlay are probably the better way to handle that than this particular section because those are already mixed use in nature and don't have these limitations. These make sense where you don't have already I think a Mixed Use Overlay or zone.

Chairman Rootovich

Does that pertain to all of these districts 1, 2, and 3?

Jay Minkarah

These would yeah.

Chairman Rootovich

By the way all the comments again that you are giving Mr. Lowe, those concerns that you share will be given to the company that put this together to discuss those and give comments back.

Mike Lowe

I think it should be looked at – the 50 should be looked at rather than eliminating.

Chairman Rootovich

Is there anything further? Section 16-113 – Multi-Use Gas Stations and Convenience Stores, page 138.

Christopher Hodgdon

We talked about this section extensively and at the end of the last meeting we sort of combined the two. The Chambers' comments have already been expressed.

Brad Whitney

On the stacking distance you have here in number (3) that 113-1 item 3, minimum distance for on site stacking of automobiles shall be 250 feet for one drive through and 200 feet for two drive through lanes. If you go to page 115, 73-1 in number 8 it says stacking lanes shall not cross pedestrian access ways and also the stacking distances on the chart for drive through lanes are much different than these. These are multi-use gas stations, but the other one is drive throughs or drive in uses, and there seems to be an inconsistency. I don't know if it is based on anticipated uses...

Chairman Rootovich

I guess my comment would be, and I will let Mr. Duffy and Mrs. Lasky comment, but I would assume it is because it is two different types of distances.

Bette Lasky

I believe that the section that Mr. Whitney is referring to is all drive through – stand alone drive throughs and drive ins. This refers to those that are just on the site of a gas station. It would be different. You would have less room on the one that already has pumps, etc. on it.

Bard Whitney

I see.

Mike Lowe

The biggest problem I think we are having on the Planning Board is stacking. It is multiple use gas stations especially when they put in a Dunkin Donuts. It depends on where it is. I mean if it is on the D.W. Highway sometimes you will go by in the morning and the line is out onto the highway and you have a couple of other places in the city where that is happening. Sometimes it doesn't matter. I know it really happens on East Hollis Street. We have a real bad problem there. I don't know if these numbers are real I guess is – I don't even know if 250 feet is enough. I find what it is somewhere between 11 and 13 cars is about all you can every get into a stacking line without people then driving through and going away so you have to figure if each car is 20 feet long then you have to do the multiples.

Chairman Rootovich

That is 4 cars. Twenty feet long is unreasonable. It is 80 yards – almost the length of a football field.

Mike Lowe

You are talking 250 feet right? That is 12 cars. I am saying we might be wanting to make that

number a little bit different – that the stacking lanes might want to be say 300 feet or something like that because you don't always have cars, you have trucks.

Sean Duffy

Again this created a lot of discussion I think because the multiple uses of fuels now isn't just fuels and one other use it is fuels and 2-3 to 4-5 to 6 uses on very difference sized parcels.

Chairman Rootovich

I mentioned at the last meeting the primary example is the Shell station at the corner of Harris Road and East Dunstable Road.

Sean Duffy

The range is anywhere from very tiny to good size, but again it is something for sure for the future. It is fuels and more than 3-4 uses not just a convenience store. There are other things that will be coming along that will probably outdate this ordinance faster than anything is my guess.

Chairman Rootovich

The Chamber made a good point. If you are talking about a coffee machine or a fax machine you don't consider that a use, but having a stand alone bank or a car wash. Those are clearly other uses that create extra traffic and congestion.

Brad Whitney

A pharmacy doesn't require as many cars. I just mention that as a different type of use that would have a drive in. They might have 3-4 cars maximum.

Jay Minkarah

I am wondering if you see an issue for stacking on roads that have extraordinarily high traffic volume maybe that can be a trigger for a requirement for longer stacking lanes where we have another road that may have a fraction of the traffic – it may not be reasonable to expect that you need 250 feet because the volume of traffic would be lower, people that would be interested in purchasing coffee would be lower – I can think of the Dunkin Donuts on West Hollis Street there is less traffic there than there is on D.W. Highway. Maybe if you look at the amount of traffic on the street and there is some correlation to the amount of people you can expect to desire at any given time to be waiting in line.

Mike Lowe

Again that becomes site specific and current traffic density specific because if you are going to

write the ordinance you have to plan for that general criteria and guidelines to make everything else conditional or reviewable. I think we are looking at very minor uses now. Personally I think that will be greatly expanded in the future. I think all you can really try to cover is what you want for the next 5 years.

Chairman Rootovich

Okay – 16-114 – Neighborhood Center, page 141 – any questions?

Jay Minkarah

I am a little bit – I understand the intent, but I am a little bit confused by some of the provisions within in specifically. Maybe somebody who was more familiar with the background could help me – with applicability I am looking at the bottom of page 139. It says that the section applies to any of the following and then it references any other expansion that exists in non-conforming commercial use or any neighborhood center authorized by a conditional rezoning to an LB zoned district, but then when I go over to the next page on processing procedures it notes under size and location, that if I look at the following table it appears as though the neighborhood center is permitted by right at these certain intersection and by conditional use. I am not sure if the intent is to permit them by right under these circumstances or if there needs to be a rezoning to LB before it is allowed. Maybe there is a way to read these two parts together. I am just not sure how.

Sean Duffy

I think I can try to help. This is something again a little bit new and a little bit creative. My understanding is that this has been used in other places in the country and it works very well so you don't have to go through the rezoning process as an allowed use. As a personal opinion maybe as objective as it is let's say if this type of a center was allowed, which again I have a problem with the way this is written, on one of the arterial roads – let's say from Broad Street, from Coliseum Ave. going West towards Hollis I think that this kind of a center might have a negative impact on that residential neighborhood so an exception clause for certain streets or arterial or collector or local roads might be dropped into this as compared to what might have happened near Chautauqua Ave and over at the old Whitney Screw site – again that is what I think this is kind of trying to address; how do you develop and re-develop and create walking center for people to come from in the neighborhoods to not go to a convenience store, but to come to more of a neighborhood park kind of area. Again it might have worked for that kind of a site, but out on – this is my personal opinion – I wouldn't want to see that out on the Broad Street area. This one is kind of a hard one for me to be objective about. Especially all the other parts of the city it might work well, but in others it would really destroy some of the residential feel.

Alderman Vitale

That is not what I am hearing. I think that everybody was disappointed when we didn't lose our

one center on Broad Street. That is what they would have preferred go into that spot again. I think what I am hearing is that they are looking forward to the place that is going further out in the barn that will be rebuilt. I think that their only concern is to make sure the pedestrian traffic is safe getting to it. I think they want the center. I haven't heard anything that they don't want a center in the area. I think that is what they feel is missing in our area as a matter of fact.

Sean Duffy

By definition though you could have seven of those along the site west of Coliseum the way this is written now. I am okay with that if that is what the intent and plan is. I think it is a little different. It is kind of redefining what a convenient store might have meant to a different neighborhood in a different part of the city. Just by definition here as an extreme example maybe you could have many of them right along Broad Street all the way to the end or from Coliseum into the are.

Bette Lasky

I guess what needs to be looked at is whether these are permitted by right or whether they are all – it looks to me like Sean is talking about arterial then collector – you are talking about all of the classifications aren't you?

Sean Duffy

Absolutely.

Bette Lasky

Perhaps it should be looked at whether they are all conditional. I don't have an answer. I remember the discussions, but I don't remember how we came to decide that these were permitted by right.

Sean Duffy

Again I think it was something that is going on nationally a little bit that kind of changed the tenor of building the inner and outer cities to a different

Bette Lasky

In the East Hollis Street plan we have neighborhood centers, but there is more – certainly a different location and a different plan than Broad Street. I don't know if you can create some sort of example by looking at those two areas or whether we will have to make them all conditional.

Jay Minkarah

I think that if I read the table right you still have to be at an intersection so it wouldn't be limitless along Broad Street it would have to be at the intersection of Broad Street or another connector. It wouldn't apply though to an intersection with a local street it would have to be a higher – to arterial or arterial and a collector. I think if I am getting it right it is all three. This applies to both 1 and 2 under applicability and this table so we probably just need to look at – I don't have an answer right off the top of my head but it is probably something that if I look at it – and I think it also relates to if I could D under uses and density where it says a neighborhood center may include any of the uses permitted in a commercial zoning district and that probably wants to be a little bit more narrow because we have HB for instance where, and I am guessing we don't mean that – we probably mean local business or maybe general business. We probably want to specify the intent.

Mike Lowe

We just approved one really the Red Barn out on Broad Street – we just approved it. If you look at the one that used to be called Halls Corner and then it was called Terriverte – I don't know what they are calling it now, but where the Captain's Corner is and so forth – those are ideal locations, but we also have to think about how we can do it in the inner city too and I don't think we have done that. If you could do this in the inner city where somebody has to go from one side of the city to the other side – downtown only has one market right now. It used to have the Soucy markets there was something like 6 of them. What I am saying is we have to look at that.

Alderman LaRose

Somebody brought up the East Hollis Street Master Plan and what we are talking about right now – there used to be markets not on every corner, but a lot of small grocery stores that took care of everybody. If you go up French Hill the same scenario was there and then when the big supermarkets actually when people started to be able to afford automobiles after the Second World War, after 1950 people started to have a little more money and started to buy cars and that is when you got the big supermarkets so a lot of the corner grocery stores finally went out of business. Some of the things in the East Hollis Street Master Plan is kind of touching on bringing some of that stuff back if we have renovations on some of these old manufacturing buildings that we put in apartments so you are bringing in a lot more people.

Christopher Hodgdon

I would like to make a comment on subsection E, but before I do I think that this may hinge on people's definition of markets, but there are a lot of small markets or what I qualify as corner stores in the downtown area. Right within a block or two of here there are markets on East Hollis Street, they are sprinkled through French Hill and Amherst Street across from the fire station, and those little markets do still exist in Nashua. There is quite a degree of density to them I think. They are really meant to serve people who are willing to walk for 10 minutes to get there. There is no parking so they are not a Soucy's or what you described on East Hollis Street, but they still do exist – Jeannotte's – that is not in an LB district, but they still do exist out

there.

The specific comment that I wanted to make was related to the open space and park requirements. I think that I need to make this comment in light of what Mr. Duffy mentioned earlier. For many of these markets in the LB districts are the ones that are functioning as a commercial use inside a residential area to require them to have 20% open space with a variety of features; waterfalls, sculptures, canopies, awnings – those sorts of things is thought by the Chamber to be an onerous requirement. It may be entirely reasonable if you were doing a Captain's Corner development or a re-development on Broad Street, but you don't have a lot of space in some of these small LB or commercial uses in residential areas.

The other concern that I would like to voice is you talk about proposed development including at least 5,000 sq. ft – of what? Is that the size of the lot, the size of the building? Does it include parking -- what does it include? I think there needs to be some clarification there.

It does say it is non-residential.

Sean Duffy

Again this section of the statute I believe by the committee was not meant to be onerous in any fashion. It is meant to be different. It is meant to address residential neighborhoods that you can walk to and sit in. It is not meant to cover GI ... tape flipped ... let's say Broad Street and where the Indian Streets are there – you don't want to have 4 Red Barns to drive to. You want to be able to walk, sit, have some food, get some things, meet your neighbors – rather than create another park setting. It may or may not be meant for the inner city, but they are in Peterboro, they are in Pittsburgh, NH, there are a couple I have seen in Hartford, CT that are very similar. It is not meant to be the drive through commercial gas station convenience store, ATM, drive up, wash – it is meant to be as I walk from my house to go get the milk, meet the neighbors, and go back. It is different and new, but it is set up that way with open space so that people do walk and the cars aren't going anywhere.

Christopher Hodgdon

I think that is perfectly understandable because a lot of the small markets that exist now have that feel to them – there is parking that is on street parking. They don't have a lot of open space. I don't know how they could meet this standard if they were to do any sort of redevelopment, construction on the site or adding of an outbuilding. I don't know how you meet those standards. I think the City also needs to carefully consider whether if you want to have a park environment then is that the responsibility of the landowner and the business owner? Do you want to force that responsibility on them? We are not talking about having a bench or two outside your local market we are talking about 20% open space. That is not a bench or two that is a park with drinking fountains and clock pedestals and waterfalls and sculptures. I think that all of us would prefer to walk down the street to a market and have the opportunity to maybe sit outside on the bench and talk to the person you met while you were getting a quart of milk. I

don't know if we achieve that or whether we achieve a park. That is where I had a concern about whether or not it is onerous.

Chairman Rootovich

Mr. Duffy take Jeannotte's for example if he redeveloped the property and I mean put a new façade on and he took some of his storage space that he has in there and turned it into additional square footage to his store – when you look at this list other than awnings what else could he do? What could he possibly put as a second entity in there?

Sean Duffy

When you visit a couple of locations – a couple of I have seen in Pittsburgh and again in Peterboro the uses are kind of varied. Usually it is outdoor inventories and different things of antiques and such, but that is their uses right now. Again this is really more for the neighborhood residents' access not people outside the City of Nashua that drive by stopping and ...

Chairman Rootovich

I understand that, but my question was pursuant to that property. What else could you put out there? Jeannotte's for instance a new façade is redevelopment and again redevelopment takes some of his quote warehouse space and use that for floor space that would be considered redevelopment. What could he possibly do looking at that location now from here that would be acceptable other than the awnings and I guess you said benches, but ...

Bette Lasky

He could do a trellis on the side of the building.

Sean Duffy

Trellises that have outdoor display systems that have inventory and products, and again all kinds of different things.

Chairman Rootovich

From my perspective and I am speaking personally I just don't want to overburden the business owner. Budgets sometimes are tight with respect to redevelopment. Some of these things can cost significant money if you are talking about waterfalls and sculptures and .. just trying to keep it reasonable for these ...

Sean Duffy

Again I didn't write this I am just trying to understand too, but 20% is not a lot of open space.

Chairman Rootovich

I guess my question would be if somebody were to present a plan and their plans were to consist of trellises and a bench would the board come back and say well that is unacceptable we want a waterfall and we want various sculptures. Is that up to the property owner or is that a stipulation that will be established by the staff? That individual has to pay for that unwillingly. That is my concern.

Sean Duffy

I don't know the answer. It may just be like for an open space requirement they fill it with landscaping, shrubs and different things. I don't know the answer.

Bette Lasky

I think we are all being a little too literal here. I think it is to suggest as I think Sean was trying to do, to suggest a look that we would like to have with neighborhood tenants. Now planted beds can just mean rows of impatiens around the building. A trellis isn't necessarily inexpensive either. Again I think it would depend. I can't see a board acting reasonably that would in a small business like Jeannotte's or a little home business, that would try to make it onerous and expect stairways and waterfalls, etc. I think it would all be relative to the project and the developer and the type of development what someone might ask. I think it is – that is my interpretation of it and that is what I understood the discussion to be.

Mark Fougere

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Another point that I think needs to be clarified is that it is 20% open space – is that in addition to the district's requirement of open space – for example in the LB zone if you go to the chart on page 45 it requires 10% open space in the LB zone so is it 10 plus 20 or is it which one applies? Clarifying that requirement would be helpful also.

Sean Duffy

My understanding is that is standard lot is at 20% not 30%. Just to clarify I think some of the shrubbery and things we were talking about, I think the intent of the ordinance is more to address that it is not pavement, sidewalk, and not parking lot blacktop.

Alderman Vitale

It seems like this is one of those areas when people would come to redevelop and they were running into problems meeting maybe some of these – that is why they are coming to Zoning and looking for an exception in certain cases and you would take that into account. I really don't

see where this would be a problem even with some of the small businesses. It could be as much as putting out a planter on each side of the doorway. It is really just what they are looking for.

Christopher Hodgdon

I think that a planter on each side of the doorway is not terribly expensive or onerous, however, the open space requirement may be. I think the concern is the two of them are coupled together. A trellis doesn't take up a lot of space, but if you are required to have 20% open space then surely the trellis isn't taking up a lot of space, but you do have the open space requirement. I think you are right. I think a business operating today is likely to want a planted bed in their business. I think that is almost a standard for what people consider to be attractive, but it is the open space issue. Typically these little businesses in the LB districts they are tightly packed.

Alderman Shaw

It seems to me the idea and maybe somebody could help me out if I am not getting quite the right point here, but it seems to me that part of the idea of classifying something as a neighborhood center is to allow for additional commercial use in an area that is residential, but I look at applicability under A(1) at the bottom of page 139 and it is talking about the expansion of any commercial use located in the residential zoning district. I haven't read it real thoroughly, but it seems to be that – I thought the part of the idea of going for this definition of something that is a neighborhood center is going to allow for some extra use yet I think a part of perhaps the if you will cost of having the additional commercial usage for some and I think relaxation in terms of maybe density is that there are other parts of what come with that. Some of that would be this open space requirement, which is also only kicking in at the 5,000 sq. ft. so I am not sure if we are – we are taking examples and I am not sure they are really applicable in the sense of what this is intended for. I guess I just would like to raise that concern.

One other comment – the last section, building design – it looks like that might be applicable. It is talking about building design standards for D1 downtown district – that this has to comply with that. That doesn't seem to make sense to me if this isn't something that is applicable to the D1, downtown district.

Chairman Rootovich

Mr. Duffy do you know if that was intended for that section F correct?

Alderman Shaw

Yes.

Sean Duffy

If I remember correctly this was as we were starting to pair down the different sections and things started to be eliminated and changed the cross referencing back may or may not have been fully finished with the outside consultant at the time. That might be a detail that we need to finish up and address.

Chairman Rootovich

We need some clarification on that. That is a good point.

Brad Whitney

In reference to Mr. Duffy's comments about having a nice place that people can walk to in the residential district for a business, very few people are going to walk. Most of the businesses would be on a through street so that people coming by either on their way or coming back. My experience in a residential district and an LB district is there is nobody that walks to a store. They drive. This is – I spent a lot of time studying that. While it is a good thing the number of people that were pedestrians would be microscopic that would stop at the store versus the number of people that came in an automobile.

We wanted to make our LB district at Exit 4 attractive. We put in picnic tables. We had nice barrels with covers so that any trash could be put away. We found that we built a very nice well house, which made a nice homey appearance, and the kids in the neighborhood destroyed the well house. They just demolished it and we rebuilt it and they demolished that again. We ended up with now there is a concrete well that is 3 feet above the ground, but it is sealed. There is no more well house that looks nice because it didn't work. We had a picnic table that they started out carving their initials and then there is a lot of graffiti and stuff written on that. The expensive trash barrels two days later one got stolen. It also created a trash area with the kids and it became more of a problem – what we thought would be a nice place for people to come and have a sandwich and whatever turned out to be just the opposite and it encouraged trash and graffiti and all that. I just want to bring that to your attention that while you think of a trellis being nice I look at it boy that would last about a few weeks before somebody would start. We had flags stolen. It is not as beautiful a situation as you would expect. Thank you.

Sean Duffy

I know we don't want to dwell on one point so much, but the committee did go through these things, processes and Mr. Hodgdon and Mr. Fougere also sat in on the last couple of meetings. We talked about Nashua as a whole -- inner city group of structures and we got the outline areas. The reality to of when you are at arterials – again I didn't write this section this was presented to the committee – I am just trying to explain where the logic is coming from – the arterial, the collector, and the local at an intersection those are the locations. Those are the locations that are either going to have open space and some greenery. For example as Alderman Vitale mentioned the red barn and white house there that may be an ideal, it may be a little more pavement and sidewalks when they do finish with that I don't know. You can either try

to create that spread or that concentration of business infill in a residential neighborhood strictly residential it creates areas of transition that we have seen to the East of Coliseum going down towards Holman Stadium with all of those businesses.

The bank went in six houses left – it is pavement, it is about 10% of – I am not being negative it is informational – a picture is worth a thousand words. It is parking lot, driving – nobody is walking to that bank. People from that neighborhood whether it was a certain kind of a business with a little more greenery may do a little more walking to it. That is where the intent of this approved center is viable. It doesn't mean you have to do this it means if you do this you can go in, you don't have to go to Zoning. Again it is trying to create and control and manage those intersections that are the high – put the pavement on, put the sidewalk on, and I am not being negative I am just trying to give you two pictures. You guys decide which it will be, but that is what the intent of the section here is about.

Brad Whitney

Item I on page 142 – many businesses put out certain displays and bring them in at night and store them inside their building. Apparently this section would prohibit that business use that has been historic for many years in Nashua and in business where they take certain items either that they put outside on display to sell and then they bring them in at night. It appears that practice would no longer be permitted in Nashua or at least – this is an outdoor display area. This is outdoor display yeah. I am sorry I jumped a section. I am sorry.

Richard Cane

My committee was the one that was really involved in this, and I understand what most of the comments are and I don't disagree with most of them. I think the concern of the committee was two fold; number one is you are saying that you will require 20% open space or parks or whatever you call it within a local business zone then change the density, the open space requirements for an LB zone and say it is 20%. Don't say it is 10% in the table of use regulations dimensional standards and then have another section that says it is 20%. It is inconsistent, confusing, and I don't know how you interpret it or enforce it.

The second thing is that the concern was not with someone comes in and does this major renovation or a major new building. It is that you have a lot of these little of what I will call local business type uses in the inner city area, and if they want to do something as minor as a little 5 x 5 freezer enclosure or an entry enclosure as soon as they do that addition they are automatically required to have 20% open space. It may not be possible at that point without tearing down a portion of the building. I think the committee was saying we don't have a problem when you are talking new uses or someone is tearing something down and rebuilding, but there ought to be some waiver provision or exclusion ideally for what I will call minor additions or minor renovations or remodeling. Thank you.

Chairman Rootovich

Are there any further comments? Good point Mr. Cane. We will move right along to section 16-119, Outdoor Display Areas, page 141.

Jay Minkarah

I would suggest probably by adding another letter (k) on page 142, and exception for sidewalk sales, street fairs, and vendors where they are licensed by the DPW, the City Clerk, or any other appropriate city agency.

Christopher Hodgdon

Just an observation – in (a), it doesn't include CI. My comment or observation is that requiring a business to have a site plan when they want to have maybe flowers for sale in the springtime or mums in the fall seems to be a costly requirement for a business that may just want to have a bench of flowers outside their store. I think it is understandable if you have a large outdoor center that has piles of stone or bags of whatever the product might be taking up parking spaces, but to require a small business who has a temporary display either seasonal or something that they put out during the day – it seems to be a costly requirement for a small business. I am just wondering where the trigger may be not simply an outdoor display, maybe if it is taking up parking or something of that nature.

Bette Lasky

That is already taken care of. There is a provision that says that it is prohibited when it takes up parking.

Chairman Rootovich

I kind of feel strong on it too. My own business sometimes I will put something out there and it would prevent me from doing that. It does generate considerable sales, and there are certain days of the week they do that and I know I would do that as well. There are some concerns.

Bette Lasky

As I recall the discussion it is so that unsightly things are not left for long periods of time. There perhaps could be some clarification to that so that it – maybe in with the sidewalk fair – you had special sales or something like that might be better. I think the intent behind it is that there are places that ...

Chairman Rootovich

I guess I will ask the consultant to work some language out on that wherever that can be more specific and not as restrictive as I read it here.

Sean Duffy

I would also like to raise a concern about (d). I think obviously no one wants to have unsightly products piled up in front of their residence, but there are a lot of small businesses that are in areas that either face or abut a residential area. I can think of – I hesitate to use the Jeannotte's example again, but they may have an outdoor display or a freezer or something – I don't know whether it is the intent to forbid that, but it seems that would not be allowed unless they had a type B buffer.

Bette Lasky

I guess I would disagree with the fact that would need to be outside.

Sean Duffy

It is now. I have purchased ice there a few weeks ago. That is I guess an outdoor display. They seem to be almost universally outside the building. That is just a very minor example.

Bette Lasky

I don't know if that qualifies as an outdoor ...

Chairman Rootovich

So are the gas tanks for grills those are outside displays as well.

Sean Duffy

I was hoping we might include in this the storage of inventory outside when pallets of trucks leave materials on different sides of buildings that are stacks of crated or uncrated items. The material might be left outside for a month or two at a time, again whether they are abutting residential or commercial vendors... Again maybe the definition is inventory versus display. I don't want to be over-restrictive either by any means, but I don't think this ordinance is talking about flowerpots outside. I very respectfully think it is significant for matter storage of inventory. If I were a commercial owner on the other side I wouldn't want to look at that.

Mike Lowe

This is only for small districts right it is not like the malls and so forth?

Chairman Rootovich

That is my understanding correct. The malls as well?

Mike Lowe

If it is malls as well we have some of the people in the malls that are definitely over 6 feet in height with some of the stuff they are storing, they are storing it in parking places, they are storing it all over the place. We need somebody to crack down on this. We need a little bit more regulation on this because if you go to some of the malls and you go to a parking spot and you can't get in the parking spot because they have stuff stored there whether it is lawn mowers or lumber or whatever. It is a problem a major problem. The other thing is there is an awful lot of trash too. When they leave these things stored outside they seem to be collectors of trash. I think this needs to be tightened up especially for the large areas.

Brad Whitney

My comment was in answer to that maybe having to do with the size of the store as a regulation, but if they brought it in at night that would restrict a bit because you wouldn't see it when the store is closed, but maybe I am wrong. I know there are many stores; Aubuchon's stores things, the little variety store opposite where Johnson's Electric used to be puts a few ears of corn out there and some strawberries for sale, and I don't know what would happen to them or if that would be prohibited. It is quite necessary for them to have that otherwise you wouldn't even know that they sold vegetables.

Christopher Hodgdon

I just want to say it is not clear to me. The Chamber's concern is that there are items that people sell outside their building that the outside display is actually part of the selling process – the display that they use to sell the product not pallets of construction materials or some of the other things that were of concern. When I read it I don't understand, I don't see where it distinguishes between the two.

Chairman Rootovich

We can ask for some clarification to clear this section up.

Alderman LaRose

The other thing about outdoor displays at Christmas time the rotary sells Christmas trees at Somerset Parkway at DeMoulas. This could impact them.

Mike Lowe

Those are covered under 30 day temporary like banners and my understanding is it is licensed.

I am pretty confident of that.

Chairman Rootovich

Are there any further comments? There being none moving to 16-120, Outdoor Storage – are there any comments?

Alderman Shaw

I just wanted to make sure that basically this is speaking to non-structures but to some of the things I think we just alluded to in the last discussion, things like pallets, piles of material or whatever.

Chairman Rootovich

Correct.

Alderman Shaw

Okay. I just wanted to make sure I understood this because the definition wasn't obvious to me initially reading it and the discussions helped.

Chairman Rootovich

Moving on to 16-124, Residential Uses – any questions? Okay 16-125, Sexually-orientated Businesses – Any questions? What is the current footage written now between one of these businesses and a residential neighborhood?

Sean Duffy

Mr. Chairman it is in there, but this came out of a statute of the Federal Penn State Statute, which was the current ordinance.

Mike Lowe

This was put in by the gentleman who helped us with this to make sure that it complied with all the State and Federal laws.

Chairman Rootovich

The reason why I asked is a while ago ...

Jay Minkarah

One forty nine.

Chairman Rootovich

It doesn't tell me ... The only reason why I asked years ago during the McDonald's fiasco on Northeastern Boulevard when McDonald's was having a hard time going in – for a fact there was an individual who had contacted me who wanted to put one of those businesses over there. The word got out to the neighbors and there was an uproar. Keep in mind that is an HB over there and there is a residential right across the street. There is a public kindergarten about 1,000 feet up the street. It is right in the neighborhood and that is HB. That is one of the areas that one could be established there. That is something else to take a look at. Are there any further comments?

Alderman MacLaughlin

On page 143, there is a very in-depth listing of case law regarding this sort of area of permitting and all of these case laws that are pointed to are not local or even regional. There is one area that could be included is the case of Pleashea vs. the City of South Burlington, VT (1994, 1995), that if something more regional needed to strengthen this it was a case that I was very much involved with 8 years ago. I just threw that out there for consideration.

Chairman Rootovich

Are there any further comments? There being none – 16-126 – Shopping Centers, page 158 – any comments or concerns? Moving on to 16-141 – Temporary Uses, Page 160 – moving on to 16-142 – Utility Structures, page 161 – any questions? That completes that division.

Brad Whitney

On page 161, number (4) next to the last line it says seasonal outdoor sale of agricultural products shall be located on institutional and public use property only. I am wondering if that is discriminatory.

Sean Duffy

My understanding is that you don't want just anyone to kind of drive in, go to a piece of property that may not have somebody locally who is a tenant set something up and run an operation, that you would have to go to like the Christmas Tree you would have to go to that institution on that piece of property and check with them can we use your parking lot. If there is just an open piece of land and somebody shows up on Amherst Street and starts their business up – everything right now in Nashua is owned by an institution or is public use. I don't know of any abandoned pieces of property, but again – institutional means somebody owns it or there is an existing business or – if somebody wanted to go to one of our Brownfield sites and set something up technically somebody owns it and manages it.

Bard Whitney

What about a vendor?

Sean Duffy

We are talking about temporary uses. They are supposed to just check with the property owner is my understanding. Somebody wants to do something on somebody's property you get the permission of the owner of the property and you set it up and do it. You can't just drive by, put your stuff out there, and run it.

Bette Lasky

Mr. Lowe had his hand up first.

Mike Lowe

One of the things is if you grow it you can sell it. That is in the State RSAs. If I grow a field of corn in my backyard I can put it out front and sell it.

Chairman Rootovich

What about roses?

Mike Lowe

That is the same thing. Basically that is what it is. It basically goes back to protecting the farmers. There are State RSAs that are specific to that. You grow Christmas trees for instance and you cut them and put them out front you can sell them. If you are growing them in your backyard – if you have a ½ an acre of backyard and you are growing small Christmas trees and you dig them up in the fall and sell them – some people sell them in a pot so that you can take the tree and plant it outdoors afterwards.

Chairman Rootovich

Is there anything else?

Jay Minkarah

I think there are actually probably a few different statutes as well as local regulations outside of the Zoning Ordinance that relate to temporary sales and what might make sense is for us to look at this section along side the section on outdoor display because I think that there is some

overlap there.

Mike Lowe

These are definitely temporary uses.

Jay Minkarah

Of course. I think there is overlap in the discussion that we had on some of those issues with some of these.

Brad Whitney

In number (5) it says shall not exceed a duration of fifteen (15) days in one calendar year. Going back to Christmas tree sales I believe they almost put those out on display a lot sooner than 15 days. I don't know if you want to address that a little bit. The Christmas trees – if the city puts up its lights the day after Thanksgiving.

Chairman Rootovich

Is there anything else? Before we get on to Division 6 is there anybody from the audience who wishes to comment on anything we have discussed so far?

Richard Cane

Just going back over the issue of the length of stack up lanes for the drive through – there is not a drive in to my knowledge that has anything close to 250 feet in length. What I would be willing to do is if the members of this committee would notify either me or the Chair what specific operations in this city they have found that do not have adequate stack up I would be happy to pull the site plans at the Planning Office and actually get lengths of stack ups so we have maybe a better basis to try and evaluate what the exact nature of the problem is. Are we really talking these stations or these Dunkin Donuts that we were talking really 100 feet of stack up versus 200 or what have you. If the members can tell me or the Chair which ones you feel have problems I would be happy to do that research.

The second thing is I think this good discussion on also a display. I really do think it is a question of definition. I don't think anyone is arguing that putting pallets or fertilizer out in parking spaces is not an issue that should be reviewed, but every grocery store in this city sells plants, vegetables, and flowers at some point in the year on the sidewalk. Every gas station in this city has windshield solvent and in many cases coke or other soft drink out in front of their store that are pulled in and out at various times and each time would require a permit for these changes. Every shopping center in this city, the stores have sidewalk sales that are not on public roads that would have a city permit. For example the Dress Barn out at the Kmart on Amherst Street has a sidewalk sale right now. It is a season sale. I don't really think that is your

concern or your problem. The ordinance as drafted does in fact cover those, and I just think you need to re-write it to more clearly define what issues are of concern to you. Thank you.

Chairman Rootovich

Let me ask directly does anyone have a concern with that – are there things that you do want to eliminate? Was that the intent of the committee?

Bette Lasky

As I see it the intent is what Mr. Duffy has already said and these things that are unsightly. I guess I am struck with some of this is common sense. I don't know maybe I am naive, but how many complaints do we get about the supermarkets that sell flowers seasonally? Those certainly were not the things that this was directed at. Most of this is to give some teeth to things that are complaints and that are problems that we have had no jurisdiction or no way to enforce before. I certainly don't have a problem with tightening up the language to get that, but that is generally the intent of all of this.

Larry Lesieur, Maynard & Lesieur, Nashua

I might have missed it, but I guess my concern was the fact that you need a site plan. If we do something seasonally then we put them back out and need a site plan now we are going to meet the new code. That was my concern was at a maximum I would hope that you would get some kind of a permit, which wouldn't trigger the new code. We brings things in and out every night, but technically you can say we are not grandfathered because once we bring them in and the new codes are in affect and we bring them out we need a site plan. I guess again I don't want to beat a dead horse, but we do need some kind of clarification because a site plan will kick the new code in and now all of a sudden we have to meet all the new codes just because we are bringing something inside and outside, which seems very harsh to me. Again I don't want to beat a dead horse, but I do think we need some kind of a clarification. The fact that you need a site plan scares the heck out of me. Thanks.

Bette Lasky

I can't remember where exactly it is now, but it is my understanding that the site plan would only show an area that one would use to display things and as long as that is there then that takes care of it. Whether you use it or not or if you use it on a daily basis, on a seasonal basis or whatever as long as you have designated that particular area. Can somebody help me out I don't know whether it was (a)?

Jay Minkarah

I think she is referring to 16-119 (a) – no such outdoor display is permitted unless a site plan shows the location, area, and boundaries of the outdoor display.

Bette Lasky

I think that is it. Perhaps some of this needs to be put – I think a lot of what we have been discussing too is the order of things. In other words as you are reading it, as I have re-read it, it is not as user friendly as we hoped it would be so that all things are maybe put together in a better order so that if you are reading that you will then go to outdoor display.

Chairman Rootovich

I am still confused myself. If you have an established business right now, you are going to make no changes to the square footage, and you want to put out a display you would need a site plan as I read it.

Bette Lasky

I understand how you interpret it that way. I guess I am looking more at the intent, but that certainly is not logical. In a new site plan yes you would have it, but certainly if you decide you will put out a display at Christmas time or something like that I think there needs to be some clarification to that. I don't disagree with you I just ...

Chairman Rootovich

Mr. Cane you are saying yes – that is your interpretation?

Richard Cane

Unfortunately what ends up happening having written a lot of legislation is your intent is what you are intending – you or myself won't be here 5 years from now or 10 years when someone has to read this and that is why a lot of things that we are suggesting in this ordinance is to eliminate unintended consequences to in fact determine exactly what the intent is and to be specific so that it is not subject to some arbitrary decision or interpretation later for someone who doesn't have the benefit of having sat through your committee hearings and knowing what your intent was. That is all. Thank you.

Bette Lasky

I don't think anyone that was involved in this or is now disagrees with that, and I think that this would end up as we said before to be a much better product because somebody else has looked at it in a different way. I think when the consultant does come in hopefully he or she will be the one to be able to take all of these added comments we have had just as the initial one did and bring it all together for us.

Sean Duffy

Just to add I think what the intent of the ordinance the way it is written and tried to be structured is that if you have a site plan that indicates that somebody will just take a look at it. The example of you have an existing business and you are all set and now you want to do some outdoor display, usually you have calming areas and setback areas of your business in between businesses and if you happen to be in an area that you have residential right next to commercial and retail with very limited buffer zones like what they are doing at the Nashua Mall just as an example, when you start storing the inventory of the display items on the sides and on the backs and on the fronts and out in the parking that is where the committee thought a site review at a minimum – the committee didn't think ...

Chairman Rootovich

Who will do the site review?

Sean Duffy

My understanding is it is Planning, but again...

Chairman Rootovich

They actually go to the site?

Sean Duffy

The way it is written that is the way I thought this would play out so if somebody is going to redevelop – if you take your existing use and you want to start displaying on the side of your property and you never did you may need to or the way it is written you may have to have that looked at by Planning. If something new is going in – a new supermarket or hardware store or car shop – where are you going to be storing your inventory in the spring? Are you going to be storing it on all sides, and then do there need to be additional buffer zones?

Chairman Rootovich

Let me interrupt you. I understand that, but my concern is with the thousands of current businesses we have in the city now and the prime example this evening of those individuals displaying product on their sidewalks in front of their building – for clarification my understanding that they would have to submit a site plan and somebody from the department would have to go out there and look specifically at where that display will be placed. They don't have enough staff now to do what they do now – they want to hire. I can't even imagine the amount of labor this is going to take. What is the time limit? If I submit an application on January 1st does that mean somebody will get out there by March 31st so I have lost 3 months of opportunity to do additional sales because they don't have the staff to get out there?

Sean Duffy

Maybe that is why we need clarification that in the front of the stores is okay, but if it gets to the side and read setbacks we are talking about. I don't know.

Chairman Rootovich

I appreciate your comments it is just a frightening thought if that is the intention.

Sean Duffy

I don't think it was. I think is it limited to the front or the side or the back?

Chairman Rootovich

How may complaints do you get in a month's time because individuals complain because there are displays in the front of businesses that they feel shouldn't be there? I don't get any calls like that. I don't know if anybody else does.

Bette Lasky

We know of certain areas that it is consistently disobeyed – put it that way. These are not written for necessarily what is happening now. Again I don't disagree with you that these probably have to be clarified in some way. Nobody wants to be that onerous.

Chairman Rootovich

I realize that. I appreciate that. I know that.

Bette Lasky

Again all of the comments that are being made are just comments and I am sure they will all be taken into consideration before we reach a final product.

Chairman Rootovich

To try to wrap this one up let's go around the room now for any final comments so we can continue here.

Unidentified Speaker

To belabor the point even further, the cost of a site plan amendment for established business that is relatively new can be fairly inexpensive. It has already been done and it is just changing A few lines. Where the expense comes is if there is no site plan and the engineer has to start from scratch then you are talking about an expense for a site plan, and it can become a real

problem for that business owner. If the plan is 30 years old or there is no plan at all for an older business – there may be no site plan was ever done for the site.

Chairman Rootovich

We currently have site plans that were submitted and the individual wanted to change parking spaces by 3 or 4 they have to submit another site plan and that is very expensive.

Unidentified Speaker

Right, but it is even more if you don't have a site plan to start with.

Jay Minkarah

Only to point out that 160-120 does talk about outdoor storage. I think that may be why there is a lot of confusion between 16-119 and 160-120 – one talks about display, which suggests for sale and the other seems to talk about storage, which seems to indicate that it wouldn't be for sale.

Mike Lowe

I don't think when we are talking about the things we store outside that it is so much the ones that are being on the sidewalk because the truth of the matter is that most businesses don't want to obstruct the sidewalks because if it does it hurts the business. I think one major company with two major operations within the city and they are the biggest violator I would say – I am not going to say their name, but I think you know who they are. They go into the parking, they go along both sides of the building – they have had to come back to the Planning Board 2-3 times just for doing that.

Chairman Rootovich

I appreciate your point, but I just don't want to have Jay's department to work hard to get business to come into town and then you give them 7,000 – you can bring your business in, but there are 7,000 regulations and rules you have to follow. I am trying to make it as simple as possible and unrestrictive for a business to grow and be successful. Some of the things that are in here that we haven't discussed yet ...

Mike Lowe

The problem with it especially at these two places is it is like top seed – it just grows.

Brad Whitney

Part of the reason small businesses put things out for sale is to either get rid of merchandise it hasn't sold inside or when they are having poor business and they want to try to stimulate some business. If they have to pay for a site plan on top of that and they have poor business that is a real burden for them. A permit to do it would simplify it and be beneficial to a struggling business. Otherwise they are probably going to end up going out of business.

Jay Minkarah

Just to respond to your comment it would certainly be my opinion if I were wearing the zoning hat that if you have an existing business that had an existing practice of displaying merchandise outdoors for sale this zoning ordinance would not impact that business at all because that would be a continuation of its use. I don't see that as being an enforcement issue at all. Just to add to what I think has been said several times, we have three separate sections here that are related and somewhat overlapping. I am sure that we could construct something out of these that addresses what I think are the typical ordinary uses and has provisions for what are probably exceptional uses that this is really meant to address.

Chairman Rootovich

Division 6 – Floodplain Management – Section 16-200 --Title, Page 162 – any comments?

Christopher Hodgdon

I don't have a comment relative to the title, but we are going to have an evening where we are dedicated to watershed issues. If you want to include floodplain in that?

Chairman Rootovich

I would be glad to.

Christopher Hodgdon

All right. I am just curious. We have no comments I don't believe on any of the floodplain topics, but if people are expecting to cover this in that dedicated hearing then I don't know whether we want to skip it or go through it now.

Chairman Rootovich

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Let's just get comments – 16-201 – Applicability, 16-202 – District Delineation, 16-203 – Definition of Terms, 16-204 – Construction Requirements, 16-205 – Water and Sewer Systems, 16-206 – Certification, 16-207 – Other Permits, 16-208 – Watercourses, 16-209 – Special Flood Hazard Areas, 16-210 – Special Requirements for Subdivision and Site Plans, 16-211 – Variances and Appeals – any questions?

Mike Lowe

We need to change the font on 16-210.

Chairman Rootovich

That takes care of Division 6. There being no critical issues at this time we will go on to Division 7 if there is no opposition which is Impact Fees. Section 16-215 – Authority, page 170, 16-216 – Intent and Purpose, 16-217 – Findings, 16-218 – Applicability and Rules of Construction, 16-219 – Definitions, 16-220 – Assessment of Impact Fees, 16-221 – Computation of the Amount of Impact Fees, 16-222 – Payment of Impact Fee, 16-223 – Administration of Funds Collected, 16-224 – Custody and Maintenance of Fund Accounts, 16-225 – Use of Funds, 16-226 – Refund of Fees Paid, 16-227 – Credits Against Payment of Impact Fees, 16-228 – Additional Requirements, 16-229 – Waiver of Impact Fee, 16-230 – Planning Board Authority, 16-231 – Appeals, 16-232 – Effective Date – Any questions?

Is there anyone from the audience with respect to Division 6 or 7 at this time? No comments?

Moving right along – I would anticipate the next division would have some significant ...

Division 8 – Lighting – 16-235 – Applicability, 16-236 – Control of Glare – Luminaire Design Factors, ... tape flipped ...

Christopher Hodgdon

Under 236, the Chamber's concern here is the requirement not to exceed .2 foot candles at the property line. The concern is that if two adjoining uses are similar, for example two industrial uses or two commercial uses why should that be a restriction when similar uses are next to each other? Obviously if industrial/commercial use is adjoining a residential zone the Chamber doesn't have a problem with that restriction, but if two similar uses have light that spills over onto their property we don't see the need or why would you have to cut offs or reduce the lighting when the neighbor is another garage or shopping center or what have you. We don't really see the negative impact that would have. If there could be some sort of waiver or section be put in there to allow that to occur when it is appropriate.

Sean Duffy

Just to clarify – I don't know that this the way it is written is going to have any teeth to a point because again it is reality – the .2 candle foot at the property line is a cumulative affect when you have concurrent uses like in the redevelopment in the Nashua Mall they are concurrent uses. The affect on each other and those property lines was negligible to the apartments behind and the residential community that is right next to it. In fact the combined affect of that is you can't even see the stars at night. To answer you question it is not just – the way this ordinance is written it is not to affect how one commercial or retail or residential affect it is that when you

bundle up all the side by side candle foot at the property lines it reflects straight up so you lose your whole not just property lines, but some people like to keep their properties dim also. You tend to disturb the night light too. I don't know if it will hold any value because whether they are concurrent or not it is the cumulative affect is taking the night sky out completely.

Christopher Hodgdon

There are I think provisions in there for directed lighting. I don't know if that over time will help solve that issue of light spillings up and blocking out the night sky. I would like to remind everybody about a discussion we had about connectivity a while back. That sort of connectivity gives a less sort of convenient use if you are not allowing some light to spill over between commercial parking lots or industrial parking lots. I think our concern is just when you have very similar uses like malls or commercial strip after commercial strip or an industrial – D.W. Highway – I don't know how you avoid the light reflecting off buildings and parking lots and cars and spilling up into the night sky, but I think people desire lit parking lots.

Sean Duffy

Whether it is .2, .5, 1.0 again the reality is each use to each use. Out on Amherst Street let's say again a car dealership with a lot of different light poles that are directed down when you are next to an industrial use that is very unlit. Again you are not intruding into that area so there are places and applications that it would be suggested or would be enjoyable by both property owners, but again there may be concurrent uses. Again some places you will want this and some you will not want this. Whether it is .2 or .5 it is not great. What happens is that reflective capacity does more damage than the property light value and that is the reality of the science side of it.

Christopher Hodgdon

I guess and industrial use or owner who has their lights off I don't know that they would care that the commercial lighting next door spills into their property. They may turn their lights out for strictly cost saving reasons. I don't know why they would do it. I am not aware of a situation. I can't think of an example where and industrial user would prefer to have a dark parking lot when they themselves don't choose to light it. However, I can see situations where people would prefer to have continuity because their parking lots are connected or you have a situation like the Texas Roadhouse and they are essentially surrounded by Chili's on one side, Target on one side – I can see where he wouldn't want barriers of darkness between them. Because they are all connected you would want to have some continuity there.

Sean Duffy

That was my point. This is entirely situational. I don't know -- this is the kind of standard everybody is looking for nationally and nobody has an answer.

Christopher Hodgdon

I didn't want to imply that I was disagreeing with you.

Mike Lowe

At the Planning Board the biggest thing is when it spills over into the residential areas. It doesn't matter that you have 1 car dealership here and another there if the combined spills over into the residential area then we get complaints. That is where complaints come from. You don't want the lights in your yard at 2:00 a.m. and sometimes they are on automatic switches. If somebody hasn't reset the switches or something like that we get a call because all of a sudden the floodlights are on at 2:00 a.m.

Chairman Rootovich

Those calls come in now between neighbors. I get them occasionally where Mrs. Smith will say you have to do something my neighbor behind me has 86 flood lights on at 1:00 a.m. come over and have her shut them off.

Mike Lowe

I understand. What I am saying is that is why the .2 candlelight is there to protect the neighborhoods more than anything. I don't see that between one car dealership and another car dealership – if it spills over that doesn't seem to be a problem. It is when it spills over, when the two car dealerships combined can spill over into the neighborhood that is what you have to worry about.

Christopher Hodgdon

I guess I would just say that is our request that we figure out a way to allow the commercial and industrial uses to have – you have those parcel boundaries where the .2 requirement may not apply and when you come up against a residential boundary and a commercial/industrial boundary that you do have a problem.

Mike Lowe

We can do it by exception.

Christopher Hodgdon

I don't know why you need to do it by exception. I think we are very aware of the concern of the residential boundaries and I think that we can find an area where like uses – there can be some understanding that light can spill over, is not inappropriate, and may even be desired.

Chairman Rootovich

We will work on the language in this section based on the comments we have received here this evening with our consultant.

Mark Fougere

I would just point out that we recommend language change in our comments.

Alderman Vitale

I don't know why at any point you wouldn't want to control glare as much as you can throughout the city whether it be residential or business. Why wouldn't you want to control glare? That is what I don't understand. You can light the property, but why wouldn't you want to control the glare for all of us – for animals that are affected by lighting and over lighting – why as a business would you not want to do that?

Christopher Hodgdon

I don't think that anyone would not want to do it I think the concern is that there are – If you have property line areas that are poorly lit then you have reduced the ability to use them. If you have a portion of your parking lot near your boundary that is not well lit people won't use it. If you have a car dealership that has parts that are not well lit you have a safety issue. I don't think anyone hopes to not control glare. I think that the lighting is a necessary part of doing business.

Alderman Vitale

What I have understood talking to people that sell lighting is that there is usually affective ways around that. They might be more expensive, but there are ways around it to be able to light areas on your property so you can control the glare and focus the light that is perceived to be needed.

Christopher Hodgdon

I think what we are proposing has to do specifically with the amount of light that spills over between light uses. I don't think that we are arguing against the use of directional lighting or any of those lighting provisions that help to keep the light from spilling up or out. I think our concern specifically is those areas that would seem to be created here that are dark areas between similar uses. That is our concern.

Jay Minkarah

I think I can speak to a couple of the issues. I think that although the wording probably needs to be clarified – I think it is definitely not clear, but I do think there was an intent on the bottom of page 176 to address the situation of say the Nashua Mall where you see under (a)(1) where you

have multiple lots under common ownership or separate ownership where it is under a common site plan approval, and also on the following page I think they were attempting to – again the language isn't very clear, but there is an attempt to also accept areas where you do have adjacent sites that don't have a site plan in common, but do have common access or parking. I have to say though that when it comes to lighting I am pretty ignorant, and I don't really know what .2 candle foot means. I can't visualize that.

When I have dealt with lighting issues in the past I have found it very helpful to have somebody present who is a lighting expert who can speak to some of the technical issues. For instance is it cumulative or not the impact at the property line. I am not sure what is the overall impact. Although I don't mean to suggest that we complicate our lives any further and maybe the committee had a lighting expert present, but maybe it would be helpful to have somebody professional in this area who could answer some of our questions.

Brad Whitney

The safety issue is a big issue in most – in pharmacy particularly where they have drugs and really have a problem with robbery. All of the training states that you deter crime by having good lighting and that is a big factor to businesses where they have women working at night and they don't want to work in a dimly lit – I don't know what .2 foot candle power gives for protection, but businesses need to be well lit to deter a criminal from choosing it as a target. Secondly businesses need visibility and prominence and identity for their investment so that they don't go home and turn out the lights. They want to have people who drive by see it so the next time they need something they will have that in their mind. Mainly we don't want shadows where people can lay in wait.

I had a fellow once waiting and as I came out to lock the door he came right up to me and fortunately my sister and brother-in-law came around the other side and the guy didn't expect that and he left. I was a setup for a robbery. That is my point.

Chairman Rootovich

On to 16-237 – Nonconforming Lighting – any questions?

Brad Whitney

On section (a) it says “However, any luminaire that replaces a nonconforming luminaire,. Or any nonconforming luminaire that is moved must meet the standards of this section of the ordinance.” Two problems – one in the word replacement because if a person has 3 lights and 1 wears out I guess they would have to replace that with a new one, new style rather than just replacing what was there, and secondly there are a lot of lighting on electric poles owned by the Public Service of New Hampshire. There are numerous ones all over the city as a security. If the Public Service Company of New Hampshire moves a pole will that mean that they have to comply and change and get involved with a different luminaire because for some odd reason the

pole that they are renting gets moved by someone else? It is not the same as if you are putting up a light pole and you decide you are going to replace all the light poles. It seems to be..

Chairman Rootovich

Currently right now if there is more light than is required on one of the city lights that particular request comes to the Infrastructure Committee, and they are the ones who vote on whether to change the wattage on that light. It is the decision made by the Infrastructure Committee at this point.

Brad Whitney

What are you referring to?

Chairman Rootovich

You just said if those light bulbs were changed...

Brad Whitney

You seem to be talking about the power of the light versus the style of the luminaire.

Chairman Rootovich

I am talking about the power of the light – the luminaire I am talking about.

Brad Whitey

Is the luminaire the power or is that the fixture?

Chairman Rootovich

It is the wattage, how much light it sheds on the street.

Mike Lowe

I think the luminaire is the lighting implement for the purpose of this discussion. It is not a quality or intensity of light. It is the physical object for this discussion. On the top of page 374 there is a definition.

Chairman Rootovich

Anybody else? Comments from the audience? Unless the committee has any objections I would like to stop at this point and say that there are three separate meetings that we are going

to have on three separate issues that I have been requested. One is the downtown, which we are going to have on September 7th, next week on the 24th we will have a special on just signs, which is the next section anyway with a lot of issues with signs – Barlo Signs and a couple of other sign companies also wanted to be notified, which I will notify them personally to let them know that we will be discussing that next week, and the third one is with the wetlands. This is not a definite date yet, but I am trying to have it on September 21st at this point. The next three meetings that we have will consist of those specialty items that we talked about, which will be the downtown, the wetlands, and the signs.

Brad Whitney

Is that the next meeting or is there going to be ..

Chairman Rootovich

The next meeting will be the 24th, next Tuesday. That will be a night for just strictly signs. I will notify the sign companies that have called and asked to be notified when we will be bringing up this subject. I will notify them.

Mike Lowe

For the wetlands would you invite the Conservation Commission?

Chairman Rootovich

It is my intention to do just that.

Mike Lowe

Thank you.

Chairman Rootovich

Are there any other questions or comments?

Richard Cane

I would just like to thank this committee for taking all the time and effort to go through this ordinance individually. I know it is a big commitment on your part. I know speaking as a businessperson and on behalf of the Chamber that we really appreciate the attention and the interest. Hopefully we are doing this in a positive way. I think having the original committee here is helpful. Our goal I think is to get something, which is workable and usable and understandable by everybody. I commend the committee for their time and efforts. Thank you.

Chairman Rootovich

Is there any further discussion?

Brad Whitney

What is this photograph that was passed around for?

Christopher Hodgdon

It is an in field project that was completed at Abbott Street. We have had a discussion in the past about the setbacks in the RC districts. That illustrates the difficulty in having the maximum setback be I believe 20 feet in a district like that because there are a number of buildings that are set back certainly farther than 20 feet. Our contention is that is not a undesirable type of infill, residential development, but it would not be permitted in this code. The purpose was just to illustrate an earlier point.

Chairman Rootovich

I would ask you to familiarize yourself with the sign changes in the Ordinances, and would assume it will be a lengthy discussion. That was a hot topic when this first came out not only to sign companies, but to businesses throughout the city. I would expect that night to be quite lengthy and many people participating. Are there any further comments, discussion, issues, suggestions?

UNFINISHED BUSINESS - None

NEW BUSINESS - None

HELD IN COMMITTEE

o-04-19

Endorser: Alderman-at-Large Brian S. McCarthy
AMENDING THE PLANNING AND ZONING ORDINANCES OF THE
CITY OF NASHUA IN THEIR ENTIRETY

DISCUSSION

ADJOURNMENT

MOTION BY ALDERMAN LAROSE TO ADJOURN
MOTION CARRIED

The meeting was declared adjourned at 9:25 p.m.

Alderman Kathryn D. Vitale
Committee Clerk