

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

OCTOBER 5, 2004

A meeting of the Planning and Economic Development Committee was held on Tuesday, October 5, 2004 at 7:03 p.m. in the Aldermanic Chamber.

Chairman David Rootovich presided.

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

Members Not in Attendance:

Also in Attendance:

- Alderman-at-Large Brian S. McCarthy
- Alderman David D. Lozeau
- Alderman Marc W. Plamondon
- Senator Foster
- Representative Lori O'Brien
- Representative LaFlamme
- Representative Lawrence Artz, Ward 9
- Harvey Goodwin, Administrator, DOT
- Donald A. Lyford, P.E., Project Manager, DOT
- Mark Sousa, Legislative/Business Liaison
- Jay Minkarah, Economic Development Director
- Mike Lowe, Nashua City Planning Board
- Christopher Hodgdon, President, Chamber of Commerce
- Roger Houston, Director/Manager, Planning Department
- Betty Lasky, Chair, Nashua City Planning Board
- Katherine E. Hersh, Div. Dir., Community Deve. Div.
- Norm Lavalley, Welcome Center Employee
- Joyce Clemmons, Welcome Center Employee
- Paul LeCasse, Welcome Center Employee
- Mr. Bradley Whitney
- Mr. Dick Cane

DISCUSSION

A discussion ensued regarding the Exit 6 Welcome Center with N.H. Department of Transportation and Nashua Welcome Center Legislative Study Committee

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COMMUNICATIONS - None

UNFINISHED BUSINESS - None

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NEW BUSINESS - None

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HELD IN COMMITTEE

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

o-04-19

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

Chairman Rootovich

Tonight we have agreed we will continue with Division 6 – Floodplain Management, which is on page 162. Before we start that Mrs. Hersh has some wonderful news with respect to contract.

Katherine Hersh

Actually Mr. Houston would be the one to do it.

Roger Houston

Thank you Mr. Chair. The consultants signed the contract that the Finance Committee approved, and we're in the process – it is in the Legal Department and will be going on for the Mayor's signature either tomorrow or the next day.

Chairman Rootovich

Fantastic. We are on page 162 – Floodplain Management – 16-200 – 16-203 – any comments? I should ask Mrs. Hersh and Mr. Houston if they have any opening comments with respect to this section that they want to add before we ...no..

Roger Houston

This section – the city is covered by flood insurance maps that are required under the National Flood Insurance Program, which helps the residents in the city that live in or near the floodways in the city those being the Nashua River, the Merrimack River, Pennichuck Brook, and Salmon

Brook. Without this section in our Ordinances, without the city overseeing this program and updating this section periodically as requested by the State and the Federal agencies, FEMA, which is the Federal Emergency Management Agency, if we don't keep this ordinance current then we could lose out flood insurance protection, which is a considerable advantage to the homeowners that their insurance rates – I wouldn't venture to say how far up they would go, but they would probably more than triple in their insurance rate on their homes if they didn't have this provision in the ordinances.

Alderman Shaw

I was just wondering if Mr. Houston or Mrs. Hersh could comment – is there anything noteworthy or significantly different in what is documented here than in the previous code or is it fairly closely followed?

Roger Houston

It does pretty much closely cover the existing code. We updated the existing code to meet the pressing issues that FEMA wanted us to adopt. There are some provisions in this particular that are kind of housekeeping issues that need to be included in this text as required by FEMA. They are included in this. This is an area that we will have to look at again depending on how long it takes us to adopt these codes. They do make changes periodically or ask us to make changes to this section.

Chairman Rootovich

Is this the same section the bank would look at with respect to flood certification for a mortgage? Is that what that is?

Roger Houston

That is correct.

Chairman Rootovich

Any further questions with respect to 16-200 – 16-203? 16-204 – 16-207 – concerns, questions, and/or suggestions?

Alderman MacLaughlin

This is minor, but on page 165 under Substantial Damage, it is a question of wording – “Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent ...” before damage sounds like a very awkward phrase and I wonder if the word prior would better fit there.

Roger Houston

I don't really see any difference. It could be prior or before. I am not sure – we could check the exact language. It seems pretty minor.

Alderman MacLaughlin

Granted it is minor, it just seemed like it reads very poorly.

Chairman Rootovich

Alderman MacLaughlin we could set up a separate sub-committee to take that on if you like.

Alderman MacLaughlin

Thank you I accept the honor.

Chairman Rootovich

Any further questions with respect to 16-204 – 16-207? There being none, section 16-208 – 16-211 – any questions? There being none – Division 7 – Impact Fees – Roger anything in this section that has significantly changed – any additions that were placed on this draft that we didn't have in our prior ordinances?

Roger Houston

To my knowledge this section was not going to be changed by the consultant. There might be some wordsmithing/clarification, but this ordinance was actually written as part of the contract that was with AER back in 1994. The Board of Aldermen adopted this impact fee. It is school impact fees only. That has been on the books for over 9 years now. One of the things that has not happened is the impact fees have not changed – they have been the same in the last 9 years. That is something that the city might want to consider if they wanted to re-assess those fees or whether it is worth doing that given the build out situation in the city. That is the only thing I had to say in a general sense.

Chairman Rootovich

Anything with respect to 16-215 – 16-219?

Betty Lasky

In general, it talks about the impact fee table in section 217. Wouldn't it be nice if this related to a page that you could turn to so that you could easily find where that impact fee table was?

Again that is definitely going through things with a fine tooth comb, but I think while we are doing things it would again make this document much more user friendly.

Alderman Shaw

Or perhaps at least the table number. It seems to me I have seen this elsewhere where the table numbering here hasn't caught up with the chapters. That might also be something that at least if it was at ... I know sometimes in pages you can get things moved, but something like that would certainly help.

Betty Lasky

Now that Alderman Shaw said that I think that perhaps it might not have been done because the pages were changing. I think in general that when we go to a final copy I think something like that would be helpful.

Chairman Rootovich

Is there anything further?

Jay Minkarah

In the first section, 16-215 under Authority, we should either update the string of cases that are referenced or possibly strike them. I don't think we really need them. There have been a number of cases that have followed these that have either been modified – we should either update the case listing or remove it.

Chairman Rootovich

Anything else with respect to 16-215—16-219? Moving right along section 16-220—16-227 – any questions?

Betty Lasky

It was mentioned that the impact fees have not changed, but I imagine that would be an Aldermanic function?

Chairman Rootovich

Yes.

Betty Lasky

I don't know if you want to look at that within the Board of Aldermen before this is finalized?

Chairman Rootovich

Nobody from the division has approached me or Alderman McCarthy or anybody else so I assume this would suffice. We will take a look at it.

Alderman McCarthy

They are woefully out of date. At the time we put those fees in, we actually picked a number that was half what AER said we could justify for single family homes, which was \$2 per square foot. That was based on the cost of classroom construction then, which was running us about \$8,000 a seat in the timeframe of the Bicentennial and Dr. Crisp expansions. The cost that we are paying now for the high schools for example runs much closer to \$20,000 a seat. If you take that and amortize it over what elementary costs versus secondary and then over the school age children multiplying a public amount of an impact that is more like \$10,000 - \$12,000 per single family home in terms of the actual capital requirement.

Chairman Rootovich

That is something we have to look at. Anything else? Section 16-228 – 16-232 – any questions?

Alderman McCarthy

Section 16-232 probably doesn't belong in there anymore. I think that is a holdover from when the ordinance itself was drafted.

Chairman Rootovich

Is there anything else with respect to impact fees? There being none – we have gone through Division 8, we have gone through Division 9, and we have gone through Division 10. That brings us to Division 11 Nonconformities – page 216. Again Mr. Houston I will ask you are there any significant changes, deletions, or additions to this section from the previous ordinance?

Roger Houston

The consultant I think pretty much kept to what we had in the existing ordinance. According to State law there were a couple of small changes. I didn't realize we would get this far and I didn't make a note of those. Is the committee prepared to take this on this evening? Do you wish to continue? I am looking at Jay and he says no. It is a little unfair – I have not announced what section we were going through to give you time to go through it. I would ask then next time we go through Division 11 and then we will start Article 4, which is procedures. We have a presentation by the way as well at our next meeting. We have an update with respect to the Mt. Auburn Associates. How long do you think that will take?

Jay Minkarah

We can certainly try and fit it into the schedule, but I was anticipating probably about 45 minutes to an hour. The idea was to present the update, but also to generate some discussion and get some input from the committee. That part is obviously hard to gauge how stimulating it will be.

Chairman Rootovich

I guess I would ask that we get through Division 11 next time and try to get through at least a couple of the divisions for procedures – preferably 1, 2, and 3. I would ask that the committee and associate members go through those sections and prepare any questions, concerns or issues they have at that time. Any questions or concerns with that? We will meet two weeks from today, which will be the 19th. Any discussion?

DISCUSSION

ADJOURNMENT

MOTION BY ALDERMAN LAROSE TO ADJOURN
MOTION CARRIED

The meeting was declared adjourned at 8:35 p.m.

Alderman Kathryn D. Vitale
Committee Clerk