

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

JANUARY 20, 2005

A meeting of the Planning and Economic Development Committee was held on Thursday, January 20, 2005 at 7:03 p.m. in the Aldermanic Chamber.

Chairman David Rootovich presided.

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

Members Not in Attendance:

Also in Attendance: Roger Houston, Director/Manager, Planning Department  
Jay Minkarah, Economic Development Director  
Mike Lowe, Liaison, Nashua City Planning Board  
Christopher Hodgdon, President, Chamber of Commerce  
Richard Kane, Flatley Co.  
Larry Lesieur, Maynard & Lesieur  
Bradley Whitney

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COMMUNICATIONS

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MOTION BY ALDERMAN LAROSE THAT THE RULES BE SO FAR SUSPENDED AS TO ALLOW FOR THE INTRODUCTION OF A COMMUNICATION RECEIVED AFTER THE AGENDA WAS PREPARED  
MOTION CARRIED

From: Richard Kane  
Re: Impact on Landscaping/Parking Revisions

MOTION BY ALDERMAN LAROSE TO ACCEPT AND PLACE ON FILE  
MOTION CARRIED

UNFINISHED BUSINESS – RESOLUTIONS - None

-  
UNFINISHED BUSINESS – ORDINANCES

MOTION BY ALDERMAN LAROSE 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

Discussion Topics Include: Article V. Development Standards, Division 8, Parking

Chairman Rootovich

This evening we are continuing with Division 8, which is Parking. It starts at the very bottom of page 290. Before we start just a couple of quick questions. Mr. Minkarah you said that you were working on language from the prior meeting we had with respect to consolidating a lot of the language. Is that something that is still forthcoming?

Jay Minkarah

It is. I expect to have that done by next week.

Chairman Rootovich

Thank you. Mr. Houston are there any opening comments? Is there anything significant with this section that has been added, omitted, or any significant changes before we go through it?

Roger Houston

One of the major differences between this and the existing code is the parking requirements in so far as applying them to the site plans and subdivision plans the number of spaces are now within the jurisdiction of the Planning Board. If a developer wanted to make a waiver they would not have to go to the Zoning Board first to do that. I believe that is a good change because that is something without having a site plan it is difficult for the Zoning Board of Adjustment to know what is a good number or what reduction is a good reduction. That is one of the biggest changes.

Most of the changes a lot of the language is the same, but a lot of the changes in the table itself as it is expanded to include more uses for parking calculation. I probably have some comments on each individual sections from staff. Other than that this is a section that the committee on the last go around didn't spend a lot of time on given the lack of time and the fact that the contract is expiring in June of 2003.

Chairman Rootovich

Starting on page 291 – Parking and going through 16-580, 16-581, 16-582, 16-583, and 16-584 – are there any comments, concerns, issues, suggestions...

Roger Houston

One obvious one at the beginning of 16-580, it should read “This Division” as opposed to Article. Under 16-582, sometimes a lot is not necessarily owned by the applicant, and as long as there is an easement or an agreement that runs with the land that could be acceptable. We have accepted those in the past.

Mike Lowe

16-590 – I would like to see..

Chairman Rootovich

We are on 15-584.

Mike Lowe

Also looking for cross access. I don't know where it is in here I haven't found it yet. When we do malls in the Planning Board we try as best we can especially on Amherst Street and the D.W. areas to put cross accesses in. Sometimes we have the abutter sort of backing off. There is supposed to be one – when they put in the new Applebee's or whatever it is on D.W. Highway there was supposed to be a cross access there and they haven't put it in yet – to go down into Circuit City. That has not been put in place yet. That is what I am saying we need to put that in here somewhere that in the malls...

Chairman Rootovich

I will ask for Mr. Houston's and Mr. Minkarah's comments on that momentarily with respect to getting it in there.

Alderman Shaw

I have an inquiry on the 16-583 Section (a) there is basically the additional requirement that grocery stores greater than 5,000 sq. ft. should be at least 10 feet in width versus 9 feet in width of pretty much everything else. In some ways I can understand that. I am assuming that is just a deal where things basically like shopping carts and taking kids in and out of cars, but I am also wondering if really it dilutes the group of businesses that we will require to meet that 10 feet should at least also include something like the superstore – there are the kind of facilities like the super centers that now have grocery as part of them. I am just wondering if this is something we should be looking at or whether we should have any requirement that is specific to just grocery stores. I don't know if there is anybody to comment on that or if that is something where there is other reasoning behind it.

Roger Houston

Which one do you want me to address first Mr. Lowe's or ..

Chairman Rootovich

I am sure a man of your experience can decipher which one to answer first without the Chairman's help.

Roger Houston

I will answer the later and then the former. Mr. Lowe's questions about I believe that was addressed in the connectivity section of this code. I am not sure if that was or was not retained. That has been in the past a negotiated item with the Planning Board and the developer where it can occur. Usually it is a one-way easement barring the private and the other side getting an easement at some point in the future when they redevelop their site unless they are willing to give it up to development. In the case you referenced, I know Attorney Prunier was the attorney, I think he still is for Circuit City and he was working with them to secure that as he promised that we can't force the private party to give an easement to another private party. As I understand that situation may solve itself. Circuit City is a large corporation and last time I spoke to Attorney Prunier he was working on that situation. I hope I answered your question.

On the second question, parking space dimensions, that is what is in the existing code. That really hasn't changed. Normally we apply it to grocery stores. I believe we applied it to the Home Depot as well. I think we have double lines out there. Essentially where you have cars or large items being moved in and out usually big box type of situation we make the additional room for the storage such like a WalMart they would be required to have that extra wide and the double space lines. It seems to work out very well.

Jay Minkarah

I was going to comment. As a general comment I would say that I do share some of the concerns that Mr. Cane raised in his letter. I think there is a net affect of increasing the size of parking lots. I have kind of looked at it differently. I think overall it is just something to think about because from my view I think the trend is a bit more toward increasing densities rather than decreasing them, which is the net affect of obviously increasing the park area, and also decreasing impervious surface areas I think should be encouraged over increasing them.

In terms of specifics some of these are very minor, but on page 291, 16-581 under (a) "Off-street parking and loading spaces shall be provided for every new structure," that assume the inhabitable structure. Not a big issue. Going down to 16-582, I also picked on when Mr. Houston mentioned adjacent lot allowed by easement or so on I think is appropriate. I will come

back to this a little bit down the road, but we do have another section a little bit further which I think would make more sense if it were moved here, which does address multiple uses using the same lots. I can talk about that then.

The second sentence I think is a little bit confusing – The Planning Board may permit parking spaces to be established as a separate lot, provided that (1) they shall be established no further than three hundred (300) feet from the closest lot line to which they are appurtenant;” I am not really sure what that is trying to say. I think a distance requirement from a building to parking makes sense, but I don’t know how I would apply that. I find it confusing. I am not sure what they are appurtenant to, what the lot line we are talking about is. This probably means no more than 300 feet from the lot line or the abutting property maybe. I am not sure. That is something that I think we want to look at a little bit more. That 300 feet is not a particularly great distance to walk. A large site you may certainly walk more than 300 feet from a parking space to the building. Again, I am not quite sure what the intent there is.

Going to © on the top of page 292, “Any off-street parking n a lot containing five (5) or less spaces may not be situated in a front yard unless such parking is located on a driveway” I read that and then I turn to the next page and note that we have (g) “Parking shall not be located within the required from yard area in any district.” It is either you don’t allow it under any circumstances as implied by (g) or it is © on the prior page we don’t allow it on a lot containing five or less spaces. I am not sure why we have both or what we are trying to get at. I will leave that for the moment. Moving down the bottom of page 292 under 16—584 (a) references the standards in 16-564 and I thin that is an incorrect reference. There are a few of those in here. I don’t know if you want to mention every one. I think we have noted before we probably to check all of the references because there were changes. I think several of them are probably off.

Going down to (b), “The area and access driveways thereto shall be surfaced with bituminous...” basically what this says is that all parking lots have to be impervious except the last line says that“” city lots may use pervious surfaces fro driveways and parking areas for public outdoor recreational facilities. I guess I am not sure why it is okay if it is the city doing it, but it is not okay if it is a private party using it similarly. I would suggest again that there are many circumstances where today we have semi pervious materials that can be used for paving. Those are things I think we want to encourage. I would suggest striking that last line and just simply saying that the Planning Board may permit pervious or semi-pervious surfaces as a conditional use. That way it allows them to be used with Planning Board approval where the circumstances are appropriate.

### Alderman MacLaughlin

My concern is under section 16-583 (a) which calls for space requirement for stores of more than five thousand (5,000) square feet shall be at least ten (10) feet in width. You apply the simple math at the location where I am employed, at the Pheasant Lane Mall, currently is has 5,000 total [parking spaces available including handicapped and all of them, then you would put that provision in there, and I am interpreting that to mean that potentially facility like this would lose nearly 500 parking spaces across the total lot, and that may or may not include having the

landscaped islands every fourth row that is called for throughout this code.

Chairman Rootovich

This is for grocery stores.

Alderman MacLaughlin

If it is specifically for grocery stores that would be less than an eye-opener, but if it applied to shopping centers certainly that would be a big issue.

Chairman Rootovich

Unless I stand corrected I read this as strictly grocery stores.

Alderman MacLaughlin

Strictly grocery in section A?

Roger Houston

That is what it states. A lot of developers prefer to have a ten feet because it works better for them from an operation standpoint because of the width of the carts, the carts now are jumbo carts. Like a home building trades for instance they have not just carts they have these big things to haul heavy materials too that are in and out of the parking lot.

Alderman MacLaughlin

Thank you for that clarification.

Brad Whitney

Section 16-584, page 292 (b) In addition to what Mr. Minkarah said, I think that what the city was intending was when they have a special exception – an outdoor area – something like Greeley Park where the cars park on the grass off the side of the road, and I think that there are times when there is some special event, but it should be maybe used the word scheduled event or temporary or something of that nature. There are times when there is some big thing and they don't have the parking and the public come to see a performance at Greeley Park, and they have been doing it for years for one or two hours they park there and they may leave. I think that is the intent, but I don't know about the wording.

Chairman Rootovich

Thank you.

Alderman LaRose

I agree with Jay about 16-584 section (b). At the last Planning Board meeting, we approved a site plan and it is the old Mobil's gas station where there is going to be an office building. There is going to be parking behind it, but across the street on Prospect Ave. there is a lot that they have purchased, and they are going to have parking. There is this big Oak tree that they want to save. They hired a tree expert, and he made recommendations on how to surface the area so that the tree would be saved so that when it rains the water will be able to drain through and feed the tree with water. I can't remember what kind of material they are going to use.

Mike Lowe

Usually those square blocks that have holes in them.

Alderman LaRose

It wasn't paving the area right over. I think that what Jay said makes a lot of sense to give the Planning Board some flexibility and people who are developing and they are trying to save beautiful trees a way that they can use the area for parking and also save the tree.

Alderman Vitale

If I could ask the two on the Planning Board – I wasn't there for that, but this is part of that discussion. How do they handle where business then laying down like salt – something so it makes it safe to walk across in weather such as we are having right now, and so when it rains how that salting gets flushed – sometimes they go through different storm systems – what kind of discussion takes place regarding that?

Mike Lowe

The truth of the matter is since it is a pervious surface the water will go right through so you ...

Alderman Vitale

I realize that, and ...

Mike Lowe

The other thing you don't get is you don't get as much ice on a pervious surface. The second thing is that you don't have – the water is gone it doesn't sheet off. I think we should give a little to get some of this. I have been trying – I have been on the Planning Board for 5 years and this is the first one I have been able to get and I have been trying probably 7 or 8 times. ... tape inaudible – speaker away from microphone... if we really need to do this and it will

really get up some of the green stuff.

Alderman Vitale

I would agree with that because that would be my finding that you wouldn't have to put down anything, but I didn't know if that comes up in the discussion. I think it would be a good thing all the way around if we could encourage it where it is applicable.

Mike Lowe

I don't know where in here we could do that. I think give the Planning Board the right if they want pervious surfaces to reduce the amount of green space I would say 10% of the 5% that they are supposed to give so that they could do the pervious surfaces. There have been places where they could do it they just didn't want to.

Chairman Rootovich

From my perspective I think we should suggest to Mr. Minkarah to change the language in section B to address that.

Roger Houston

Just wanted to clarify that is essentially what we have in the existing code. This code does allow for the Planning Board to waive the standards if there is a waiver provision if there is a need for that. You can wordsmith it if you like. That is built into this code. The City of Nashua that is a fairly recent ordinance change by the Board of Aldermen that is why that was left in there. These are areas that are not normally maintained in the wintertime, they are salted. We do have storm water regulations that require further treating of storm water come off of parking lots. It may be difficult to meet that if it is a gravel lot. It may be nice to have in certain situations where the Planning Board deems it is necessary like to save a tree or an area that was not used frequently, and maybe doesn't need to be maintained as much in the winter time that can be waived. It is kind of a site design issue that needs to be looked at and weighed. Staff looks at those issues when we review a site plan. I know Planning Board – we make recommendations to the Planning Board along those lines.

Chairman Rootovich

Is there anything further through section 16-584?

Alderman Shaw

I guess just maybe to follow up on Mr. Lowe's comments and Alderman Vitale's follow up to that – I am wondering if we do want to consider possibly putting something in that might actually specify if you are using a certain amount of that semi-pervious materials for your paving there is a certain percentage or reduction that would be given in terms of the landscaping islands and

some of that. I realize you can do it through waiver, but maybe we want to just actually look at is there some equation or direct correspondence that you would start from that might further encourage that use. I guess I just put that out there for consideration.

Chairman Rootovich

Is there some sort of key that they look at Mr. Houston?

Roger Houston

I think you are mixing apples and oranges here because landscaping is there to beautify the parking lot, to provide shade in the summer time. If you would rather look at a graveled surface and give up on the landscaping you can do so. I don't know what equation it would be to modify that. We can pick a number out of the 10%, 5% whatever you like – we will administer it.

Jay Minkarah

Having had a chance to think through the implications of some sort of percentage reduction if did have a semi-pervious surface, I do wonder though how you apply that. If you say you require to have x amount of sq. ft. of landscaping, and through the use of the semi-pervious surface you then get a 10% reduction – in the end what does that mean; 10% less landscaping, does that mean that your landscaping islands are a few inches narrower, are they shorter – I am not sure that I would be able to imagine how that could be applied in a way that you end up with any net advantage to either the users of the facility, the community, or the developer. I think that the goal that incentives may well be worthwhile I just don't know that a percentage reduction of tradeoff is the way to do it.

Chairman Rootovich

Mr. Houston on the same subject with respect to reduction in the parking space – getting back to Mr. Kane's letter – I guess I appreciate him writing this. I didn't realize the impact that it has as well as the tax loss when you have to look at the scaling back of the facility to provide the space needed for beautification. I just wanted to get a comment from you or Mr. Minkarah with respect to this. This one example here if the figures and the numbers are right he is talking \$75,000 for just this one shopping center for instance that would be reduced in taxes based on the requirements that we are planning on them. Can I get anything back from you or Mr. Minkarah on that? I know you have already commented on it, but do you have anything further? This is significant.

Roger Houston

I haven't had a chance to review this memo since I just received it tonight, but there are different ways of looking at property and certainly you have to strike a balance between aesthetics – a design of the site is a combination of things; building, building materials, landscaping, parking,

layout, circulation it all has to work. I know we have worked with Mr. Cane when he came into our office on this particular change when they added 10,000 sq. ft. to the Shaw's Supermarket in that center, and they demelled it – they took away the mall and they increased the square footage of these super anchors that they have in there today. To meet the parking requirements they had to take out a center landscaped island to get a little parking in to meet their parking requirements for increasing their square footage. That was approved. I think they used larger caliber trees and some other design alternatives to have the same net affect, the same affect that we used with Nashua Mall, which was a remake.

There are different ways you can approach it from a design point of view. I think that is an option that this code or existing code provides.

### Christopher Hodgdon

I just wanted to make sure everyone here had a copy of it. Dick provided me with 6 copies of the map, which I put on every member of the committee's desk, and provided one to Mr. Houston, but I do have a couple more copies of the memo if anyone doesn't have it.

### Alderman MacLaughlin

Thank you. Actually I just want to clarify. I understand that this section is applicable to grocery stores. I guess at this point where I am at is why is it exclusive to grocery store facilities or is it – why is it they are being singled out for a section like this where other retail establishments certainly larger in scale exist here in the city and I don't see any language addressing that other than simply the two lines in (b). I am just trying to get my arms around that.

### Chairman Rootovich

Mr. Houston touched on that with respect to the carts and things. I will let him...Mr. Houston please.

### Roger Houston

That is a provision in the existing code, and the committee wanted to leave it as is because everyone felt it was working. If you want to include it to other users. As I say some developers do want to have the ten feet because they have the carts that they use routinely, and if they don't use the ten feet then they have a lot of problems with scratched cars and angry customers and fights in the parking lot due to the fact that you can't get carts in. We receive that routinely. We still get some – another is the cart corral. You have probably seen those. That was a big discussion when Target came in because they sell foodstuff at their facility at the mall. That was a concern that those carts be corralled properly and someone would take care of them so they wouldn't become a problem or blow in and out of cars and knock out headlights. That was a concern of the Planning Board.

Alderman MacLaughlin

I appreciate that. Also at the same – it is odd that you would point out Target. That is a great example. Target is not exclusive in its use of carts. There is a non-grocery store facility at the other end of the mall, Sears, and they have carts, which end up in various places with no holding areas. There are other merchants within that location and I am sure throughout the city that is part of reaching out to consumers and making shopping more of a convenience that they may add the use of carts where currently there are none. I am wondering if perhaps that is something that we are not dealing with thoroughly enough.

Roger Houston

We can only require it be part of the site plan when they are before us. We can deal with existing situations that are out there with changes. The only time the Planning Board has an opportunity to effectuate that is when they have a site plan before them to make the changes or a change of use for a facility that might require extra width or extra provisions in the parking to handle these carts that they use be they shopping carts or heavy material type of carts.

Brad Whitney

I just wanted to comment. There has been a study – I remember reading a study that was done on carts versus no carts, and in that same study they discuss the size of carts. The bottom line was the larger the cart the greater the sales. People had a tendency to buy more by a bigger cart, and if you look at the carts today they are quite large. They seem to be very, very big – they are getting bigger. Then there are as Mr. Houston said, dolly carts for heavy material, which is pretty big. I have only seen those in Home Depot. It is just the basic cart that is pretty big. Maybe more people will use carts now.

Jay Minkarah

I would kind of like to get off the carts and move on to the ... that is a management issue. I don't really think that it is a huge problem in Nashua and I don't think it has a significant implication on parking spaces.

Going back to the more general comments of Mr. Cane's memo, I do share those concerns. I am concerned that we are basically reducing density in our commercial areas meaning that there is less buildable area. I don't think that is actually the direction that generally regulations are going nationally. In addition to that concern, realistically when we look at our city and our commercial areas, they are almost completely built out. We are really not talking about regulations that we are going to be applying to new virgin land we are talking about regulations that we can be applying to re-development situations in almost every case. I don't think it is adequate to say well we can waive the regulations because if we are going to always wind up waiving regulations then I think it devalues them.

We should have regulations that are realistic and that work toward a goal that we are really trying to achieve. For the most part that is what I think we want to do. I don't think frankly collectively that we want to see a net reduction in our commercial building areas. I could be wrong, but I don't know that is our goal that each time a shopping center comes in we want to see the buildings reduced. If that is our goal then this is the way to get there, but I am not sure that it is.

I do believe also that landscaping and enhanced landscaped is important. It is important to look at the aesthetic impact of commercial in our community. I think we should encourage the highest standard. I am not sure though that these necessarily again collectively get us there, and I am not sure that they don't. I am not sure if a parking island every ten spaces or every 20 spaces really enhances an areas aesthetically. I think, and I am not saying it doesn't either; I am just not sure what that does.

I would be interested in seeing if we had an inventory showing sites that are developed in a manner that is inconsistent with these. Generally I think when it comes to parking areas and large commercial sites there are a couple of issues that matter the perimeter landscaping and the interior landscaping. I guess if I had my druthers I would have focused more on a percentage requirement or an interior landscaping requirement and a perimeter landscaping requirement unless of issues of exactly how that is spaces because I think realistically where you want your landscaping and how you want to incorporate it into a site is going to be different from one site to another. It is site specific.

You are going to be looking at issues of what are you trying to screen or not screen, what views are at issue, where entrances are, where abutting homes are or other businesses, where you have drainage structures, where you have natural features that you want to protect – I think pretty much every site is going to be different so that has to – I guess if I had to construct something I would lean towards that. Say what we want generally in terms of landscaping, percentage of open space, and then recognize that will change with each one.

I guess just to make a small point on that as to exactly what do we want – when I work with this regulation I go back to page 285 where we talk about surface parking lots under the landscaping section. It is not necessarily critical to go back there, but we say perimeter landscaping a minimum 5 foot buffer strip adjacent to a public right of way shall be landscape well all right I can see the logic to that, but then when I get to the parking section it says on page 293, under (g) "Parking shall not be located within the required front yard in any district." Well presumably front area means front setback. Which means adjacent to a public right of way. Then if you go to the setbacks it says that has typically been a range between 10 and 20 feet – so what do we want do we want a 5 foot landscaped buffer strip, do we want a ten foot buffer landscaped, do we want a 20 foot buffer landscaped strip? Does it matter whether you are highway commercial or general commercial because one would require 10 foot and one would require 20 foot. I am not sure it does or doesn't, but I think we want to really think about what it is that we are trying to achieve and then let's try and achieve that consistently. Maybe 5 feet is inadequate, maybe it should be 10, but whatever that is I think we ought to think about that.

When you are driving down the Amherst Street most of us don't know what has gone from general to highway to whatever and it is really such a blend of different districts. What matters is the visual, the aesthetic. I think we really want to think about what our goals are and let's be consistent with them.

Brad Whitney

After hearing what Mr. Minkarah said I would like to support everything he said in this. It sounds very logical to me. Thank you.

Chairman Rootovich

Is there anything further? Moving along – section 16-585 – Municipal lot substitutions, 16-586 – Increase or change of use, 587 – Nonconforming Parking, 16-588 – Number of Off-street Parking Spaces – are there any questions?

Jay Minkarah

Really minor, but in sub-part (1) the second section up from the bottom, it talks about parking spaces, and maybe this is a standard, but it struck me where you have benches, or pews or similar seating it is considered to be one space for each twenty inches. Twenty inches just struck me as a rather small space that is less than two feet. I wonder if that is really the standard.

Chairman Rootovich

Good question. I don't know.

Roger Houston

That has been the standard here for some time. It works because people on average vary in width. There are some large individuals Mr. Minkarah and there are some kids. When you have a seating requirement assuming it is a pew or kind of a bench seat that is an average. I assume that standard has been around a long time. You could use a different standard if you wanted to. I haven't heard where it has been a problem, but maybe you can give us some information on that or want to do some research on it.

Jay Minkarah

I just asked whether that was the standard. It struck me as small. I think that was probably before we all super-sized.

Roger Houston

I suppose if you are sitting closely together then you don't want to be to comfortable in these situations.

Mike Lowe

Section 16-585 1,000 feet – weren't letting us waive the parking. I have a problem with that. I think we have waived probably 1,500 already for Elm Street alone and I think that we still – they are still waiving it using the Elm Street as a for instance. I think we have to get a handle on it and somebody has got to come up with a table and say how many we have given. Some of the places we have given the truth of the matter is they were never built. It was supposed to be right across the street here an office building three stories high with I think two parking spaces in it and all the rest would be in Elm Street. Then they built the 23 units where the old Modern Hotel was and 15 or 18 of those went into Elm Street. It seems that Elm Street is within 1,000 feet of almost everything. I think we have to come across a way of keeping a running total of how many we have allowed. It really is a problem.

Also you tell the people that when you can't park on the street to park in Elm Street. All of the people that live in the Tree Streets that is where they are supposed to park when they have a snow emergency – at Elm Street. It is getting to a point where Elm Street will be full and we will still be giving them telling them to park at Elm Street. I think it is probably getting close to being full right now. I think it is going to get worse. We really need something in the parking to say that if we have assigned 1,000 parking spaces to Elm Street or whatever the total number is in Elm Street, that we can no longer assign more. That really is a problem.

Chairman Rootovich

Point taken.

Brad Whitney

Regarding – I don't know if you are talking Elm Street – is that the parking garage?

Mike Lowe

The parking garage yes.

Brad Whitney

I just want to bring attention to people that there was a Letter to the Editor in today's newspaper safety the reason for parking on the street – this was done by a downtown Nashua employee. It was a female. Her comment was that she didn't feel it was safe to walk from where she worked at night to the Elm Street Parking Garage so she routinely fed the meter. The comment was that

she was not going to walk and expose herself to any danger. I just wanted to bring that to your attention. If you could read that Letter to the Editor in today's Telegraph. I have it here if anyone would like to. I just wanted to bring that to your attention. It is an employee who – I had mentioned to the committee the problems I have had with female employees who work after dark, and they would not even park in the rear of our parking areas. For their safety I never pushed it. They had their feelings and I respected them. It is a problem that I think you should be aware of. Here is the garage, but if they are not going to park there at night – she did mention lighting. I just wanted to mention that. Thank you.

Chairman Rootovich

Is there anything further? Section 16-589 – Off-street Loading Spaces and 16-590 – Handicapped Parking Requirements, 16-591 – Parking Structures, and 16-592 – Shared Parking – are there any questions?

Mike Lowe

16-590 – I think we need a section in there that is separate from drugstores, food markets, and hospitals because that is specifically for the handicapped. Some food stores do an excellent job. I notice that Shaws has twice the amount that Market Basket does and Market Basket is combined with Walgreens, which means you even have less – at least the one down in the south end. We need to address this problem of handicapped parking. It is insufficient. Filene's has less handicapped parking. My wife loves to go to Filene's. She uses a handicapped sticker. I go with her and I have to drop her off and then go find a place to park because Filene's has insufficient parking.

Chairman Rootovich

The other problem too is enforcement. There are many people that use those parking spaces that don't have handicapped stickers and they still use them. It is still a problem.

Alderman MacLaughlin

I would like to advise my distinguished colleague that Mr. Lowe that never happens at the store at the other end of the hallway.

Chairman Rootovich

Is there anything else?

Roger Houston

Under 16-591 (b) Criteria (1) "All ramping shall be concealed from public view." – I know we have the Target store when we did that additional deck off of their store that ramp is in public

view and you wouldn't know it because of the way it was designed. I am not sure that standard is necessary. Also in the second section "Openings shall not exceed 60 percent of the total wall surface." and the second sentence "Openings shall be vertical or square." – I am not sure if we want to all openings don't have to be vertical or square. I have seen some nice rounded entryways into parking structures and things like that. I am not sure that is something we need to specify. That should be something that should be handled through the architectural design of the parking structure.

Alderman Shaw

That actually was one of the items I wanted to bring up because I felt that having that specific restriction on the openings it just seemed like it might be too restrictive so I would also agree. I think we need to maybe just strike that. Also did you say we were doing 16-592 as well?

Chairman Rootovich

Yes.

Alderman Shaw

In 16-592 section (d), there is a table 1408-1 cited, and I could not figure out where that was or what table that was. I didn't know if anybody ... I don't think it is this table 592-1 based on the parking ratios unless it is actually trying to speak to table 588-1, the parking matrix table, but there is ..

Chairman Rootovich

Mr. Houston do you know what that refers to?

Roger Houston

No I don't. I would have to follow it back. This is something we can have the Regional Planning Commission try to chase all of these – anytime we have a reference to a section as Mr. Minkarah stated before, someone needs to go through and double check all of those references to make sure that they are correct. Some of the things have been changed around with the different versions. That is one of the things that when the committee finished this in June of 2003, the document itself, which you have, which was introduced was not edited for inconsistencies such like that because it wasn't finished. This is probably got a number of those things in it that need to be checked and cross-referenced.

Jay Minkarah

I was going to just respond to that. It does mean to refer to the parking matrix, which is labeled 588-1 although of course it should be a 590, but..

I have a couple of other comments too, but I am not sure if I should make those yet. I wanted to just echo the comments that Mr. Houston made on 16-591, but also add that I would also look under subsection (3) (a) and (b) I think the same thing applies – those should really be part of the overall architectural review. In particular I am thinking of parking decks such as the one that was put in at St. Joseph Hospital where the upper level really looks like the surface, but there is a deck underneath. It wouldn't be appropriate to be talking about completely screening it and so on.

Going down to the next section on shared parking, 16-592 – I referenced this one earlier, but I think that this section it would be helpful if this were moved actually back to 582 – the reason I say that is I am sorry 588 – the section on number of off street parking spaces – I'm sorry it is 582. If you go back to 582 on page 291 where it talks about the location of spaces and then we had a discussion on locating at an adjacent lot with easements and so on .. one of my first thoughts at that point was what about multiple buildings sharing lots – that is what 16-592 addresses. It just might make more sense if that went back there.

Looking at on page 295 at the bottom – that section under subsection (d), it says "The parking spaces for each use shall be reserved for the employees and customers of the proposed uses." I don't think that is typically the practice or really necessary. You've got multiple uses like a shopping center with multiple buildings. I don't think you really need to designate necessarily the uses.

Going on though I think probably more significantly, and I am going to ask Mr. Houston for his help in this – when I go to page 592-1 I cannot figure out how to use this table. It appears and I am probably just missing it completely, but when I read it, it appears as though we always come up with 100% of your parking ratio. I can't seem to find another way to read it so in other words the attempt here is to allow you to reduce the amount of parking...

Chairman Rootovich

Mr. Minkarah what section are you talking about?

Jay Minkarah

On page 296 the table – I am obviously misreading it because the way I read it what I need to do – when you go to the matrix on the following table and you find the parking space requirement for each of these uses and then under step 2 multiply each amount by the corresponding percentages for each of the five time periods set forth in table 592 so okay so if I need whatever the number spaces I need is I multiply it by the percentages for each time, calculate the total for each time period – then select the total with the highest value as a requirement of a number of parking spaces. IF you will notice in each time period you will find 100%. I guess it seems to me that 100% is always going to be your highest so it is always 100% of the requirement, but I

might be just totally misunderstanding this, and if I could just have some help with how to read the table.

Chairman Rootovich

Does anybody here have a degree in mathematics?

Alderman Shaw

I don't, but I have always enjoyed math. I actually agree I think that the idea would be that you would look at any one usage – take retail and you would be 60% for that first time period and 90%, but then you hit 100% so like he said any one of these uses if you do all five time periods you will come up with a value of 100%. Then based on section 4 you will – there really doesn't appear to be any sort of savings based on calculations using this matrix. It seems that unless we are missing something or the instructions got skewed somewhere along the way that you should just eliminate this and just calculate based on each individual use, what its normal ratio would be and add it up and ignore the whole time thing. I don't think you are misinterpreting it, as it is before us it doesn't really discount.

Roger Houston

Generally speaking I know I am my staff had a concern with this section. Obviously enforcing would be another issue that would probably occur. It is a confusing. I assume the consultant used this out of a standard ordinance that they use across the country. I am a little perplexed. We have not applied this to any development obviously because it isn't code. I don't remember discussions on this. It has been two and a half or three years ago since we had the consultant discussing this. Maybe Mr. Lowe remembers the application of this table, but I don't – I have here in the sideline that if this is something that the city really wants to do.

Alderman Shaw

I think I might have actually figured out the intent, and I think what it is is not by looking at any individual one use and adding it up, but you would say okay I have 20% office/industrial and I have 60% retail and 20% hotel – I would do the calculations for those three for a given time period, add them up at the bottom of the column, and go through each of the five columns. I would actually end up with different numbers under those, but I think it is because of what your mix was by use and the way it is factored by time period I think you actually will potentially get some reduction. It might not be very significant, but you would have to actually try some numbers to see. I think that is what it is. If you look at just one item across here at 100% and if all your usage was retail then there clearly wouldn't be any benefit because you would automatically hit 100% parking need. I think the idea is that the mixed use and the fact that your office/industrial the matrix says your highest usage obviously is daytime regular workday hours whereas certain other uses like the hotel is highest in the evening time period. I think that is where the benefit comes from.

Brad Whitney

I am confused about it, but I wanted to mention that the mix of tenants changes and the demands on a business change and so a tenant could change and it could be a higher concentration of evening employees, part time employees or opening extra hours on certain days. I don't know how you can have anything that is constant here.

Chairman Rootovich

Are there any further comments? The next 12 pages, pages 297-309 are the parking matrix. I don't know if you have had an opportunity to go through them to notice if there were any inconsistencies or concerns?

Alderman Shaw

I have several items throughout here. Some are just what appear to be either typos or missing items and then I have a couple of other comments. Item 7 – dwelling, manufactured home, on an individually owned lot – there is the 1,150 numbers, which it looks like something translated wrong, but you wouldn't require that for your parking spaces so I don't know what that is supposed to be. Moving over to page 300, line 95 – Nurseries and greenhouses, commercial – there is no requirement listed in those two entries for a minimum or maximum. I also had another question at the bottom of page 306 it is the terminology – the very last line, 23 – Government offices or other governmental civic uses or facilities such as courts and city – the maximum it says 1 per 125 sq. ft. and then it says GFA. I didn't know if that stood for something or ....I don't know if it is just extraneous text of some abbreviation that wasn't.

Roger Houston

It means Gross Floor – it is a standard. I think it is define somewhere. That should be ... tape flipped ...

Alderman Shaw

...next page 307, number 262, there is no – this is Schools, arts, music, dance, dramatics, or other fine arts – there is no minimum requirement entry in that column. I had a couple of other comments or questions. Going back to the first page, page, 297, items 12, 13, 14 – elderly housing – the minimum is specified as 1 per unit, and I know that there were discussions and concerns regarding the Senior Activity Center and other experiences where it seems that might really actually be a higher minimum than what is really necessary. That was at least something for – it also perhaps if Mr. Houston or somebody else might help enlighten me – obviously there is a lot of information here from all of these different uses – does this basically come from some national standards or guidelines that are pretty much the normal recommendation or are these derived some other way?

Roger Houston

I didn't write it so I can't answer that question. I would assume that the he is a national consultant – the committee that selected the consultant looked at his resume and they had done several ordinances throughout the country – I assume that these were based on some sort of a national number – a number that is derived from studies that have been done with their ITE, International Traffic Engineers, or other studies that are done by the American Planning Association. I assume that most of these have been pulled out from those studies. It doesn't necessarily mean that they apply in New England. The different geographical areas of the state may have different requirements and different needs.

Chairman Rootovich

Roger are all of these brand new or were some of these in the current zoning book? Is this an expanded matrix?

Roger Houston

It is an expanded matrix. Some of them are in the existing code, some of them are exactly what they are, and others are –I can't unless we went through line by line to tell you that. There was some discussion I know at the committee level and I know the Planning staff anyway are concerned. We have a minimum and a maximum parking space – as to whether or not you want to continue with that format. I think the consultant was reacting to that there needs to be a range to look at in some situations, and to require that you can't build more than required – if you were a large box retailer and you wanted to build more than what the code permitted then this would, there is a maximum that you can build. There was a lot of discussion about that at the committee level. The committee decided to go with this format.

Chairman Rootovich

Roger were there any minutes kept of the committee when they first went through this document?

Roger Houston

There were several drafts. The consultant worked with the committee with his computer, and changes were made to the drafts as they went along. It was projected up on the wall, and the consultant had his computer and the committee okayed the changes, and it went – we had a few meetings that went as long as 9 or 10 hours were the committee went through, and we went through different versions of this code. We had about I forget how many different versions every time we met that we went through to work on – exact minutes no – none were kept. It was a steering committee that met to advise the consultant. That is how the committee selected the consultant and the steering committee operated.

Chairman Rootovich

Is there anything further with respect to the matrix?

Brad Whitney

There is quite a difference between the minimum parking spaces and the maximum parking spaces. I am wondering who determines and how is it determined. If a particular business knew the certain parking per square foot – all of a sudden I look here and there is a huge difference between the minimum parking spaces and the maximum parking spaces. How do you have that criteria?

Chairman Rootovich

I think Mr. Whitney what Mr. Houston said is that basically our consultant took this from other documents throughout the country – the kind of standards that are used in different parts of the country.

Brad Whitney

That is fine, but when would it be applied that you go to 500 to 150 – maximum parking spaces is 150 and minimum one per 500. Who determines that and at what conditions is that determined?

Chairman Rootovich

I would assume the Planning Board would be responsible for determining that amount of parking spaces based on the site plan given to the Planning Board. That is who would determine that.

Alderman Shaw

I would also assume that the maximum is perhaps set just simply to keep from having too large a parking area at any given site, and just try to – going back to our pervious versus impervious surface area, etc., and I think it would be probably something that would help cap that. Clearly there are some of these where you can see there are factors of 3 or 4 in terms of total number of spaces that might be associated with a given usage. If anything perhaps maybe generally you would want that tighter, but I think that is what is perhaps the main reason for that.

The one other comment I had and maybe it is just a curiosity and maybe there is reasoning behind it, but the items that straddle pages 301 and 302 are shopping centers 129, 130, 131, and 132 they cover different square footage sizes and what at least jumped out at me is that for some reason the shopping center superstores that are in the 25,000 to 100,000 sq. ft. their minimum parking space requirement goes up to 1 per 250 sq. ft., but everything smaller the two different categories and larger go down to 225 sq. ft. so I didn't know if it is a typo or if there is

some sort of just a general relationship that is kind of a certain size that there is a benefit to allow slightly fewer parking spaces, but again I didn't know if that – even the maximums all are consistent. It is not probably a large factor, but just something that I did see.

Chairman Rootovich

Any comments Mr. Houston?

Roger Houston

No other than the fact – generally speaking on a lot of those retail centers that I think the current standard 1 space per 250 sq. ft. works reasonably well. I do notice that some of them do go higher than what they probably need to be; however, this is the standards that the consultant has given the city. We can choose to use them or not use them unless the city wants to hire a parking space consultant or some other specialist that can give you a better handle on how many spaces you need at any given situation. This code does give you that range and that is what the committee liked about it. It gave a maximum that you couldn't exceed so you didn't have too large a parking lot and it gives a minimum to arrange to work within. I think that is what the committee liked about this. There are several strikeouts in this version. The committee went back through and did get rid of some of the inconsistencies relative to the shopping center information in here. Here are some obvious blanks that need to be filled in that need to be corrected like Alderman Shaw mentioned.

Mike Lowe

Some places the minimum parking is a small number and the maximum parking is a large number and in some places it is completely reversed. I am sort of confused a little bit about that.

Chairman Rootovich

Can you give us an example?

Mike Lowe

Cafeteria, limited service restaurant – 1 per 75 minimum and 1 per 50 maximum. Then you go the other ones are units I guess so maybe that makes a difference.

Roger Houston

That would explain it.

Mike Lowe

It is a bit confusing, and I get confused often.

Christopher Hodgdon

I think that when we are having a discussion about why there is a minimum versus a maximum or when the two might be used I think it is hard to imagine for me anyway that wherever the situation where a developer will say I would like to pay for the cost of building a parking lot bigger than I need because the value of the piece of property is in the building that you can put on it, and therefore the amount of sq. ft. that you have to sell a product. The parking lot is there just to create more functionality for your retail or commercial space. I think that the purpose for minimum and maximum standards really is just to give policy makers in the community some leeway in their determining how much parking to require not to constrain someone's desire to build a bigger than needed parking lot. That would be my thought on that issue.

My other question relates to when these standards would be enforced. We are in a situation where most of the retail and commercial space in the city is built out. I am wondering when you have an addition to a facility just speaking hypothetically you have 100,000 sq. ft. facility and you add 10,000 to it or you have a change of use of 10,000 is the purview limited to just what is going on in that 10,000 sq. ft. or would there be an opportunity because the facility is being renovated and upgraded to apply these standards to the entire facility either in an expansion or a change of use where the footprint is not changing in size? I think that the Chamber is generally supportive of these requirements so long as they are limited to new construction, additions, and in most cases change of use and renovations. We do have a concern if it is applied to existing uses and possibly how it would be applied. I am wondering if there can be some clarification on that.

Chairman Rootovich

Roger do you wish to respond to this?

Roger Houston

Yeah I think you gave it to me earlier this evening, and this is one example how we handled these sort of things in the past – 10,000 sq. ft. addition the developer had access to open space on his lot and he chose to come in and work with us. He had to provide the additional parking for the 10,000 sq. ft. addition. We didn't make him go back and retroactively apply the existing stuff to a newer standard. What you have is what you have. It was negotiated issue that we worked with the developer on. In that case, there was some flexibility because he wasn't at the maximum. He had provide more than sufficient landscaping on the site to cover in that event. He lost some parking in an area where they did the addition, but they had to make it up as well. Yes I think that happens frequently and I can't speak for the future. I don't know how you legislate something like that. I think generally speaking the Planning Board and its staff usually works with landowners and developers and abutters and other interested parties in crafting a site plan or an addition to an existing site plan that works for everyone.

Alderman Vitale

I think for the city having minimum and maximum parking spaces and having that guideline is important. I think you only have to look at the plans for the WalMart that came through. When they first came through they came through with what was a maximum and what they indicated was that they tried to build a parking lot for the busiest day of the year. It helps to know that and know that they were over the requirement of the city because of the other things going on on the site. That probably will happen more often now with other sites that will be coming up to know that we can help control that parking and the size of the building and that type of things depending on the site itself.

Chairman Rootovich

Is there anything further?

Alderman MacLaughlin

At the bottom of page 305, numbers 226 and 227 deal with race tracks motorized or not, and it is odd that the Mayor would pass through at that particular moment, but this is a very inclusive matrix obviously – it has things in it that the city currently does not have, but in this particular category I can't see the city as ever having either one of these so I wonder is it something that we, as a committee, or the consultant as the expert would consider removing.

Chairman Rootovich

It is page 305, 226 and 227 with respect to racetracks. We could ask the consultant if the committee could make a motion to have those two removed, which would be an appropriate motion at the time.

Alderman MacLaughlin

I am not trying to speak for the committee because I don't know the will of the committee.

Chairman Rootovich

It is a legitimate motion at the time we start making motions absolutely.

Alderman MacLaughlin

Thank you.

Jay Minkarah

Also on the matrix a couple of areas of concern and there are some examples in here – my

biggest concern is making sure that we maintain a flexibility for the types of different uses that frequent a particular type of building or area are able to kind of change back and forth. When you go through the matrix there are a number of uses that are very similar that have a different requirement. For example a sporting goods store is one parking space for every 300 and a florist is one for every 500, 300 and 500 seems to be a very common figure for types of uses where I think are in a typical shopping center or a downtown street are the kinds of things that are going to change typically for tenants. I am not sure that there really is a rationale that I can think of as to why one is 300 and one is 500. It is throughout the matrix you will see those jumping back and forth. You will also see that jumping back and forth for typical kinds of services, which again look at any downtown street – today it is a tailor and tomorrow it is a bookstore. I think it is important to maintain that flexibility and I think we really ought – for common uses we really ought to pick if it is 300 it is 300 if it is 500 it is 500, but I think we should pick one and be consistent.

This is such a detailed specific list that it is difficult sometimes. I think it is almost inevitable that you will have that. Minor things like if you look at like a rooming house there are probably four different ways that type of use is described and probably I think about four different standards or three different standards. That is a minor issue, but it is just because of the specificity. Again it is a minor thing and probably the way it is now, but one parking space for every 75 sq. ft. Ft. for any type of restaurant use struck me as a pretty high standard. It seems to be consistent for any type of eating establishment. I am not sure again that could be the current requirement. I should have checked, but it struck me as high.

A couple of things again that are probably minor; I noticed not surprising anything with a drive through is viewed negatively, but you probably want to look at some of the differences. For instance, if you are a bank or a credit union that use number 3 on page 298 you have 1 space for every 300, but if you add a drive-in window it jumps to 1 space for every 75 sq. ft. Your parking requirement quadruples because you have a drive-through window. I am not sure that makes sense at all. In fact if anything the reverse would be true. The same thing is if you are laundry – of course if you are fast food, but we know that any restaurants 1 per 75. I think generally going back to the food service establishments your parking requirements really vary pretty substantially from one type of place to another or whether you are more take out or sit down. Minor, but I have not gone through every single use here compared it to what is current, but probably a little more grouping and consistency here really would help.

### Chairman Rootovich

Is there anything further with respect to the matrix on pages 297 to 309? As roger said the consultant needs to go through this and take a hard look at the omissions that Alderman Shaw brought to light and make sure that they are in line.

### Brad Whitney

I just find this matrix so huge and complex that it really doesn't have enough flexibility for the

changes in a business – it doesn't say anticipates growth – there are so many complexities and this is very specific. I find it could be a big problem for anyone trying to comply with it or trying to administer. For my money I would think that something basic – one standard based on the type of business. I think that would simplify things.

### Alderman Shaw

I can appreciate some of the concerns about the complexity or maybe what – I think some of Jay Minkarah's points about some of the inconsistencies at least as far as the drive up versus non – I think that warrants looking at. I am less I guess willing to really considering starting to take – there is actually a range of things that 200 up through 600 sq. ft. – without examining a lot of them and seeing what ones might seem to group together or not I start to wonder whether you are undoing the benefit of the consultant's work that at least I am hopeful that this came from some sort of again national standards and things that weren't just arbitrarily done, and by having this amount of categorization it actually seems like it might ultimately be more useful and beneficial for many businesses to have less stringent requirements than something that is a much more blanket that is put across.

Then as there are changes in use or other types of changes those just simply I think have to be evaluated for what they are, and maybe it means you actually end up with even less parking required for a given situation. I am afraid we might just kind of unravel the work that was done here. All of these categories fall back to the original categories at the front of the book. This is what has been divided out. I would be less inclined to start changing a lot of the numbers unless we have another source that really suggests that there is better information or something like that.

### Chairman Rootovich

Roger or Jay when we getting back to the matrix – when we determine parking spaces are other factors looked at besides just the square footage? For instance do you look at where the facility will be built with respect to the volume of traffic because the site might be in a high traffic area that particular business might do 20% more than a business on the other part of the city but it is the same square footage? What I am thinking of is again CVS take the one on Main Street – between the hours of 4:00 p.. and 6:00 p.m. you cannot find a parking space at CVS right across from City Hall – impossible, absolutely impossible to find a parking space. You look at the CVS on Daniel Webster High Way next to Best Buy, which the buildings are shaped differently, but I think the square footage is almost the same. I have gone there several times and I have gone there between 4:00 and 6:00 p.m. and there are maybe two people in the parking lot at one time. Do we just look at the square footage or do we look at it based on where that facility is located – one can anticipate that facility will do 20-25% more business than the pharmacy in another area of the city.

### Roger Houston

No there isn't a locational criteria on the number of spaces. It is based on a square footage basis on an average – the one on Main Street was developed some time ago and I not sure how long ago it was. It has been there for a long time. There is some additional parking for that store that is in the back of the store and there is a walkway between the CVS and another building that you can get to – there is a public parking lot in the back there that you can usually find a spot if you are willing to walk. I know there are times when that one – that is one of the busiest stores I think in the Northeast and it has a pretty captive market. How do you judge that when you are looking at a – I could have said the same on D.W. Highway on the one that was built down there that looks like a good market place, but there aren't a lot of homes around there either, but there is a lot of apartments, nor are there a lot of medical offices. I have seen it very busy down there as well so it just depends on the time and other things. Based on averages obviously you can't – a lot of people have said do you build a parking lot for your peak time of year and for the holiday period or do you build it for somewhere in between.

I think that is kind of an ongoing discussion that professionals that are in the design profession look at as to what is that number that is the number that works most of the times, but not necessarily at the peak level. It is a square footage calculation. One per 250 just kind of a standard for retail that we have used in this community. It generally works. In some instances it doesn't or in a downtown situation like you just mentioned there is parking it is just that it is not at their front door.

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Jay Minkarah

Just to further respond I think I agree with Mr. Houston. One of the values in actually one of the changes I think that was mentioned earlier – by putting these under basically the Planning Board rather than in the Zoning Ordinance you are allowed a little more flexibility, and that is important because these are guidelines. There really is no national standard for parking. There are a wide range – in my experience in trying to construct parking regulations, they can be really all over the place. The range is what you tend to get from one community to the other are huge. We also see very different ways. Square footage I think is probably the most consistent way to do it, but you will see for example for on hair salons, per stylist. You will see them per practitioner for a medical office. There are different ways to do it. The square footage probably makes the most sense because it is the easiest to monitor. If you know how large a building was the number of stylists can come and go. It really can't be I think in the end more than a guideline.

I do think, and I can't speak for Nashua's Planning Board because I don't have experience working with them, but I could say from my experience that while you have a guideline there are times where if you have reason to believe that a particular use may require more parking – more often times people will argue less. It is certainly appropriate to look at the experience in another area. For example, if you are looking at a particular type of chain store more than likely you will find other examples. You can actually go and find out how many parking spaces they have and know whether it works or not. Speaking for Merrimack I know certainly when Home Depot came in that was a huge issue, and it was very easy to go to different areas including Nashua and say

is that working, how many spaces do they have per – I think it is very appropriate for a board to do that during the review process.

Mike Lowe

Sometimes the board can't do it because there is a minimum requirement and if they meet the minimum requirement there is nothing we can do about it. We try especially on things like handicapped parking or extra parking. I have always thought as I said earlier hospitals may really need more so do the supermarkets and so do the drug stores. Those are the three that you almost need a separate grouping for just because. It depends on where they are. If you have a hospital and a drug store next to each other they will use lot more parking spaces than a hospital by itself or a drugstore by itself. The same is with a supermarket and a drug store or if you had a hospital a drug store and a supermarket you would need a lot more parking spaces. That is one thing that we need some way of being able to say that if the situation requires it the Planning Board can add parking spaces and can add handicapped parking spaces. We need something to that extent in here.

Brad Whitney

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Two points – what Mr. Lowe was saying that is a hard call because a lot depends on the success of the business, and while I had a pharmacy across the street from a hospital and surrounded by physicians, but yet I didn't carry the large supplies that another store might carry, which did more business and had more customers so it is a hard call to pinpoint the amount of customers a business would have. What I wanted to mention was on the comparison of the two stores; one on D.W. Highway and one downtown here, the one on D.W. Highway has a drive up prescription window so those people don't park in the parking spots. When you say there is not as many customers parking in the spots – the one downtown has no drive in so everyone has to park and go inside. That is the one comparison that wasn't brought up. I just wanted to mention that.

Roger Houston

That is a good point. There is a drive in down there although they don't get for some reason you don't see the backups at those drive in windows that you do with other types of drive ins. You don't see too many people using them – usually it is someone that is sick or has kids or whatever is using them. They work well in those situations.

Brad Whitney

They don't have the density of homes.

Roger Houston

I just wanted to add to what Mr. Lowe was saying, and I think that is one of the reasons that the

committee and the consultant put the parking under the Planning Board so you had more flexibility I guess or more discretion on the parking spaces. You can waive parking. It is not a variance anymore. Under the existing code, the number of parking spaces you provide as part of the site plan review process or any other building permit process in the city – has to meet that code. If you don't you have to go to the Zoning Board of Adjustment to get a dimensional variance on that code. The proposed code give that discretionary authority to the Planning Board when they are reviewing the site plan to see how the site plan works and functions in relation to the use and the parking and the size and layout, landscaping – the whole enchilada so to speak.

### Brad Whitney

The two factors I would like you to consider; I have noticed that two businesses that are downtown and they have no particular amount of parking, they rely on street parking, and they both do a large business of either delivery or mail order. I saw a pharmacy that was at the post office and they were shipping out 50 different prescriptions that day, and those were 50 customers that didn't come into the store. They have changed their format and they ship maybe all over the country now. That is a factor that wasn't available in pharmacy a few years ago. There wasn't much of that you just maybe if you mailed something to a customer that went to Florida, but not to the extent it is now. There is a cookie store on Main Street and they had their car filled up with packages. They weren't coming in, they weren't parking, they were making deliveries themselves. That is another factor that can't be determined on how busy a store is going to be.

### Roger Houston

I think he brought up a good point, and I think also that the internet for shopping and the sales – a lot of people now are shopping through the internet and they aren't going out physically to the stores. You are seeing some reductions in activity at the retail stores, and at some point in time that may have an impact on parking ratios. That is a very good point Mr. Whitney.

### Alderman MacLaughlin

As I look at this whole matrix discussion, and as I look at the layout again touching on the fact that it includes many things that currently aren't current here in Nashua but one day might be perhaps – my sense is that this is really based on the consultant's work who may in term have based his or their work on some kind of national standard or national averages. As I look at this matrix what I guess is of most interest to me is how does this affect what we do locally and empowering the Planning and Zoning Board and commissions to do their work. I am less interested in the national standards for how much parking to include based on size than I am what is right for Nashua as determined by the Boards made up of members who live right here in Nashua. That is the kind of perspective I am bringing as I review this document. I just wanted to make that point.

Chairman Rootovich

Is there anything further with respect to the matrix? Division 9 – Parks, Recreation, and Civic Spaces – 16-600 – Applicability, 16-601 – Required Open Space, Parks or Civic Space, and 16-602 – Maintenance and Preservation – are there any questions or comments?

Jay Minkarah

This is a general comment and perhaps it is something that has been done, but I want us to look at very closely in the maintenance and preservation section we go into considerable detail on the Homeowner's Association and the condominium requirements. I think we should look at these very carefully because New Hampshire has very, very specific laws on condominium documents and I know the A.G.'s office pays very close attention to these. I just want to make sure that we don't have anything in here that would be inconsistent with the statutory requirements. When it comes to the language what you need in declarations and things along those lines – it really is so very specific. I wouldn't want to see that disconnect.

Chairman Rootovich

Roger did Corporation Counsel have a chance to look at this before ...

Roger Houston

He was on the Land Use Committee. Not everyone showed at every meeting, but I assume that there has been some review by his office on this document since he was a part of that process and invited to be a part of that process. There was a local land use attorney too that was hired by the consultant that depending on the situation. I don't see this section really coming into play much more in the city because the large-scale subdivisions that it might apply to are probably not going to be – most of those have happened. There maybe a few sites left, but we could ask Corporation Counsel to re-review this section and see if it complies with New Hampshire law relative to homeowner's associations, dedications, etc.

Brad Whitney

Page 311, under (d) - Homeowner's Association, that is just one of them, but as I reviewed it, and I just glanced through it, but some of it is all well and good, but the bottom line is it seems to me it will increase the cost of housing in Nashua.

Mike Lowe

Basically I think there are only three sites left in the city that this would apply to, and one of them is under the amount because ten acres when you need 700 sq. ft. per unit one of them I don't think would apply it is only 33 acres. Then there are a couple of other big sites and that is it.

Roger Houston

Nashua currently has several large condominium projects throughout the city that are regulated by Homeowner's Associations and have common open space, and there are provisions in existing code as well, but most of that is regulated as Mr. Minkarah stated by the State through the Attorney General's Office. There are very stringent requirements that they require, and they have to review the documents. It is a lengthy process time wise for that to happen. It does occur now and it has occurred in the past. This just highlights the process in the ordinance. A question that we may want to ask Corporation Counsel is is some of this necessary?

Brad Whitney

Please excuse me, but I wanted to bring up a point that I wanted to mention when we were under parking, and I just briefly would like to say that one of the downtown merchants or stores complained to me and I thought he had a good point that if someone wanted to take a bus to go to Foxwoods or to a function that they were going to be out of town the better part of the day there is no place they can park. We took a bus once to New York City and we parked at the Nashua Mall. The bus picked us up about 4:30 a.m. and when we arrived back it was 10:30 p.m. and we left that car and stayed in New York for one night. That was the only place. If someone was to leave from the bus depot there is no place they could park even if they were gone for the better part of a day. As I understand it the maximum time length is maybe 12 hours to park a car in the parking garage – maybe not that long.

His comment was that when you come back you get a ticket. I thought he had a valid point, and I just wanted to bring that up. I apologize for not mentioning it when we were talking about parking.

Alderman LaRose

That problem that you are talking about has been discussed and the rest of the Aldermen already know this – that it is being looked at in the Infrastructure Committee. They are trying to come up with a plan where someone who took the bus from the terminal could leave his or her car in the parking garage.

Brad Whitney

Perhaps the terminal could pass out a few window tickets so that they could use those tickets – by getting a ticket in the terminal – something like that. Thank you.

Chairman Rootovich

–  
Is there anything further?

Jay Minkarah

I am looking at 16-601 (a). I have a question concerning the reserve ratio, 700 sq. ft. per dwelling unit residential zoned districts, and it goes on to say or that portion of a mixed used development containing dwelling units. It does not apply to any underlying zoning district not if it is a mixed use?

Roger Houston

Anything that would – the way I read that anything that had residential and that would include mixed use.

Jay Minkarah

So for example the project that is being done in the downtown now the one that is being done on Harbor Ave., will that project be required to have the open space?

Roger Houston

It is hard to cite specifics because that project did receive numerous variances from the Zoning Board of Adjustment so I can't really answer that question. There is a local park that is not too far from that. I think it is around the corner of Marshall Street that the Planning Board looked at. Do you recall Mr. Lowe when you reviewed and approved that building?

Mike Lowe

... tape inaudible – speaker away from microphone..

Roger Houston

Originally it was elderly housing and then it was they went back to the Zoning Board for workforce housing. There were some variances granted. This is a different code than existing. The existing code doesn't have this provision.

Jay Minkarah

I think that we need to be very careful not to produce a code that makes the development of higher density residential units in the city – ones that could be used for if you want to call it workforce housing or affordable housing unreasonable or impractical or more expensive than they need to be. I don't know how you do that whether you have certain zoning districts that don't meet that requirement or you have a standard that defines workforce housing and therefore they don't need to meet the standards of open space – I don't know how you do it, but one of the drivers for the cost of housing in this community and also in New Hampshire is the cost of land and open space regulations certainly contribute to the amount of land that can be

used for housing. I think that since that is one of the major issues facing economic development in this region the housing, and we need to be very careful not to create a disincentive through our open space regulations for the development of that type of housing. I don't know how you do it. Maybe some other place in the code where you could have a provision that mitigates this. I would encourage the committee to consider ways to do that.

Chairman Rootovich

Is there anything further? There being none is there anybody from the audience who wishes to comment on anything this evening?

I would like to get a couple of things under discussion, but I would like to finish up basically the rest of the code up to Administrative Agencies at our next meeting. That pretty much covers the language of the zoning. The rest is administrative tasks, appendixes, definitions, but I would like to finish at our next meeting. That is pages 314, Division 10, Street Design and Transportation and will take us through page 341 at our next meeting.

Before we get into the discussion period is there anything further with respect to any of the sections we covered this evening? If there isn't then I would ask for a motion to once again table.

MOTION BY ALDERMAN LAROSE TO TABLE O-04-19

MOTION CARRIED

NEW BUSINESS – RESOLUTIONS - None

NEW BUSINESS – ORDINANCES - None

DISCUSSION

-  
Chairman Rootovich

Roger where are we right now with respect to hiring a consultant? The contract to my understanding has not been before Finance, and there are some concerns with respect to getting some feedback from this committee on where we stand on many of these sections that we have covered especially some of the major topics. I guess my question is in several parts, and is; where do we stand with respect to the contract and are we going to indeed hire the Regional Planning Commission to do the majority of this work? The second part of that is are we going to continue to keep on retainer the original consultant that we hired, which we know his background he is no longer part of the organization – are we going to keep him separate?

Roger Houston

That is really I think a policy issue. I have been in discussions with the Nashua Regional Planning Commission, Mr. Roger Hunt. He is currently the – I had been trying to touch base

with him. He is working in Hollis and Brooklyn right now because of the staff shortage situation there. They have assured me that they can work on that. We are working on the contract language right now. I hope to have that put together some time next week barring any other circumstances that happen. We have to let the other consultant know in fact the Mayor has signed the release. We received a release from the consultant saying that their firm was no longer going to be in business do we want to keep the individual that worked on our land use code, and I think generally speaking I think if we want to retain Mr. White and his other person that works for him currently I think that needs to be done under a separate contract and evidence of insurability and other things that the city requires as part of a contract under our process that we use. I think the idea would be we could probably still bring that individual back on a specific topic or issue and retain him on an hourly basis to come back if the committee desires to do that, but to have a separate contract with that consultant.

### Chairman Rootovich

I guess my next question is are there any other consultants in the area that we should be looking at, local consultants that we may be able to bring on board? The reason why I am asking I would just hope that when we get back some comments whether it be the Regional Planning Commission, Mr. White, or anybody else we hire that those suggestions are really unbiased with all due respect either way that the committee gets not only maybe 1, but 2 or 3 suggestions where the committee will make a decision on. I am just a little worried that since the committee here is not going to have the opportunity to work with those consultants but more staff is I want to make sure that it is fair in terms of some of those suggestions that we get back and that every one of those suggestions that we had via the minutes and the other notes and all of the other documents that were submitted to you in the original file are truly looked at with respect to coming up with a document we can all feel comfortable with.

I don't know if the Regional Planning Commission is necessarily the only one that can do that for us. I guess there are several questions in there, but we need to address that.

### Roger Houston

I have spoken with Mark Frucier of Frucier Planning. His firm was on the short list when we did the original interviews for the land use consultant a few years back, and he has said he is willing to entertain a contract as well – not a lump sum, but a cost for services type of contract. The idea would be to work with him and Nashua Regional Planning Commission, and if we need to bring back Mr. White on a specific issue or at the committee's discretion obviously then we could do that as well and try to manage the project as best we can. The task that the Nashua Regional Planning Commission would be – it really is just sifting through everything that has been said at these meetings and developing a matrix for the important issues, and then looking at different alternatives and then using planning staff, Mr. Frucier or other sources that we need to try to figure out or to give you different alternatives. In some cases there may not be many alternatives, it is or it isn't, but we may need some local legal counsel too or maybe we will just ask Dave Connell too depending on his schedule. It has to work into the different schedules. It

does make our job of juggling this thing a little more onerous, but that seems to be the only way of making this happen.

Chairman Rootovich

When do you think the final language of the contract will be done so we can submit that to Finance and get the ball rolling on this? We are just about done the document, and was hoping that there wouldn't be a gap between the time we finish it and the time we start getting back some feedback from the consultants.

Roger Houston

I have NRP's boilerplate contract sitting on my desk. It is a question of it was a limp sum and we need to change it to an hourly rate. I believe their hourly rate is like \$40 or \$45 an hour. We need to sit down with them and discuss what exactly we want done so they fully understand what they are getting into, and to make sure that they have the time resources to commit to this project as well as keeping within our budget constraints that was allocated under the budget.

Chairman Rootovich

I would also like to see Mr. Minkarah's comments – I know that going through the document there have been several sections in which you had said that you had some proposed language that you felt could help. I think that is important too that we get that from you – critical. Are there any questions from the committee members with respect to the discussion going on with the contract and where we are and where we are going and where we would like to see it go? Are there any concerns or issues? Are there any suggestions or comments?

Are there any comments from anybody else with respect to that? You have all participated in this for the past 6 months.

Alderman Shaw

I guess I would just like to echo your concern that we keep it moving along whatever way we can because it is clear that the process has been going on for a long time with a lot of investment. I think if we can try to make sure we don't hit a spot where we don't really have anything to focus on.

Chairman Rootovich

It is fresh in our minds. The notes that I have been keeping as well I just hope we don't see a gap of 90-120 days where we are waiting for some feedback on the matrix, the spreadsheet and those types of things. At least the committee could start looking at those and then we could take it from there. I am just a little concerned that is all. I think you are working on it hard Roger just thing the time is kind of right that is why I mentioned it this evening, and we are getting back the

unbiased information, which is important for us to make some decisions. This is going to be a lifetime document so it is critical that the language that is going to be proposed to be changed if there is any that it be done right.

### Roger Houston

I just want to say I concur wholeheartedly with you. I know it is all fresh in our minds. The last contract expired June of 2003 and it has been over 2 years and it is you lose a lot when you don't keep it moving. We had some delays because of other issues with that and now this time as well. It is important that when you are dealing and working with the committee to keep it moving otherwise you do lose track. It is a lot to grab onto with this document – legal issues as well as technical issues. It is my intent to try to facilitate this as quickly as possible.

### Chairman Rootovich

I know I have been getting calls too. One of the questions that has been posed on me – I don't know if the other committee members have had this – what is the committee's feeling on certain things and again I think that the public needs to know that so if a further public hearing is needed we get further input from the public. I think that is important before we start making those motions to add, delete or whatever – I think it is important we get that input.

### Brad Whitney

I agree Mr. Chairman that I was going to mention that there has been not a lot of public comments from business people that are working and haven't had the interest that the people here have had. They have the interest but perhaps the time .. I think that there might be an additional summary meeting or a categorization meeting so that people can determine which of these priorities – to make sure that they are moving along not just to finish all of these meetings and then where do you go from here and who is taking care of it, but to have input as to which ones and who will do the work. If there is any particular review that in doing it that they need to have a meeting to get the comments from every one. I am not sure I am making myself clear, but summarize the whole thing perhaps, and to allow for an additional meeting maybe not as frequently or whatever to make sure that decisions get made or input gets put in and it all keeps going forward. I agree that perhaps a public hearing to get further comment. My problem is how do you alert the people to – they don't have these books, they don't know the problems, and that is the communication between the public so that the committee hears from the people who are going to be affected in their lives and their businesses – I don't quite know how they can be apprised of the regulations here. There has not been and you have mentioned it at some of the meetings – where are the people in the audience.

### Chairman Rootovich

Let me address a few of those things. First of all the business community has a great representative here, and he has participated. Mr. Hodgdon he knows what is going on and is

comments are valued. Second I believe this book if I am not mistaken is on line at the city web site. It is my intention to sit down with Andrew Nelson of the Telegraph in a very short period of time and ask him to do an article to let him know how important this document is as we go forward in the City of Nashua and encourage the public to participate as much as possible. It is a critical document so I think that would also help. This document is on line. The minutes of our meetings are on line. There is information out there if people are interested in downloading it or seeing what is going on.

... tape ended...

Mr. Whitney the computers with the 8 ½” disks went out years ago. You need to upgrade your unit.

Mike Lowe

I just listening I just wonder this is my 5<sup>th</sup> year doing this – I started at the beginning. I think it is Roger's 6<sup>th</sup> year on this, and I think this is what the 4<sup>th</sup> version of this? I know it is the 3<sup>rd</sup>, but I think it might be the 4<sup>th</sup>.

Roger Houston

I think we had 4 or 5 printed versions and probably 7 – there were 3 unprinted between the reiterations every time the committee met the changes were made at the time of the committee meeting.

Mike Lowe

In the beginning we had public hearings and had a lot of people here. I think it has just gone back in their minds that it is something that is sitting there and it will get done someday. I think that is the problem of why you don't have a lot of people here. We had lawyers, we had developers, we had builders. They are not here anymore. I haven't seen Gerry at one of these meetings in months. I can remember when we first started out he was there at almost every meeting. Yes it is coming together and I hope we are on the last run, but 90% of it is done. It is that other 10% that we have to finish. Thank you.

Roger Houston

Furthering from what Mr. Lowe said Mr. Prunier was actually on the committee. He did attend a lot of the meetings.

Alderman MacLaughlin

I would like to just say that it is always a good thing to have people here with us seated and listening and participating in the debate, but what I am hearing from those within my sphere of

influence within the business community is that they are waiting for us as a committee to get through our initial review and request the revisions that we pointed out and then have us then present it to the community as a whole. I am hearing that they have a lot of confidence in our Chairman's leadership so far in the process and he is to be saluted for his patience and his tolerance for all of these conversations and meetings that he has held with the intent to do some of the hard work now before we open it up – now that we will have some broad understanding of what was in here – we didn't when we started – we will all be better ambassadors for this document pro or con if we have a position and then we can present it to the business community when we get to that point. We are nearing that point. I thought the Chairman's insights this evening as to how some of those steps might be taken to do that. I am sure there will be others as we go. I just wanted to add my two cents.

### Chairman Rootovich

Thank you for your kind comments Alderman MacLaughlin. Also I would encourage the rest of the Board of Aldermen members when they read the minutes to attend any of the meetings. I would hate to go through 12 months of 8,000 pages of testimony and go to the full Board that night and have a 16-hour discussion on amendments. Those should be done here in committee. I can see that happening. That is one of my greatest concerns at this time – it usually happens at least to my experience of being on the Board for 12 years that is usually what happens. I hope that...

### Alderman LaRose

You can see in the crystal ball.

### Chairman Rootovich

There are some members that haven't attended one and I want to go through that document and make language changes. With all due respect and honor I hope that they attend any meetings that if they have any concerns they can make those concerns there or any motions that they have here rather than going back to the full Board. I will speak to President McCarthy on that as well.

Is there anything further with respect to the discussion topic on where we are? I want to commend Mr. Houston and Mr. Minkarah as well as putting the time and effort with all of the other duties that they have to do to go through this again and be patient with us and answer all of the questions we have had at every meeting. It is extremely appreciated. Without your expertise we wouldn't be where we are today so thank you to both of you. Sincerely thank you.

Are there any further comments on any other discussion point?

### Brad Whitney

You talked about what we are going to do at the next meeting, but have we got a date for that meeting?

Chairman Rootovich

There is a date set, but I don't know when it is to be honest with you. If you want to hang on for two minutes after the meeting I would be glad to check the itinerary out back, the scheduling book. I know with the Budget Committee meetings that are going to start very shortly a lot of the other committee meetings have been moved around to get in those budget hearings so I have made several changes in my schedule to accommodate that. I will get you a date on the next one.

Alderman Shaw

An inquiry on do we have any expectation for any sort of updates on the rail project anytime in our schedule in the future?

Chairman Rootovich

I will speak to Director Hersh on it. There is nothing on my itinerary out at least three months right now with respect to that, but I will speak to her on that as well.

Alderman Shaw

Thank you.

Jay Minkarah

If I could respond to that – perhaps that is at the full Board. I would note that there will be a meeting this coming Monday at 7:00 p.m. for the newly appointed Citizens Advisory Committee or the Passenger Rail Advisory Committee. It just former, and although I haven't seen the agenda I suspect that there will be an update on the status of the project at that meeting.

Chairman Rootovich

Is there any further discussion?

ADJOURNMENT

MOTION BY ALDERMAN LAROSE TO ADJOURN  
MOTION CARRIED

The meeting was declared adjourned at 9:12 p.m.

Alderman Kathryn D. Vitale  
Committee Clerk