

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

JULY 6, 2006

A meeting of the Planning and Economic Development Committee was held on Wednesday, July 6, 2005 at 7:06 p.m. in the Aldermanic Chamber

Chairman David Rootovich presided.

Members of the Committee present: Alderman Richard LaRose, Vice Chair
Alderman Robert G. Shaw, Jr.

Members Not in Attendance: Alderman Kathryn D. Vitale
Alderman David MacLaughlin

Also in Attendance: Alderman-at-Large David W. Deane
Alderman Robert A. Dion
Alderman David D. Lozeau
Mike Lowe, Liaison, Nashua City Planning Board

COMMUNICATIONS – None

UNFINISHED BUSINESS – RESOLUTIONS – None

UNFINISHED BUSINESS – ORDINANCES

O-05-92

Endorser: Board of Aldermen

AMENDING THE ZONING ORDINANCE TO REQUIRE A SPECIAL USE PERMIT FOR DEVELOPMENT OF LOTS WHOSE SOLE ACCESS IS BY A RIGHT OF WAY RELEASED FROM DEDICATION TO PUBLIC USE (“PAPER STREET”)

MOTION BY ALDERMAN SHAW TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Alderman Dion

I am very proud of my people – I call them the flamingo people from East Dunstable Road, Catherine Street .. they are quite a bunch of very nice people. It is too bad something like this had to happen for me to meet them personally. I knew a few of them, but I met a lot of nice

people. They certainly have a real problem there. That is why I supported and filed this legislation. I am asking the committee to support the legislation and send it back to the Board of Aldermen for final passage.

This will be a good check and balance Ordinance that will at least give some of the power to the Planning Board, which will have to review – right now the Planning Board doesn't have to review the decisions of the Zoning Board of Adjustment on these issues. Land is getting so scarce in the City of Nashua that builders and developers are looking everywhere and will do anything to get some building lots no matter whose toes they step on.

The message from the Board of Alderman – I was so happy with everybody endorsing this legislation. If you could – I don't know if any of you people on the committee have gone to take a look at this.

Chairman Rootovich

I have.

Alderman Dion

I am glad you did. If you could see how it would affect the direct abutters – there is no doubt in my mind that if you were on the Zoning Board of Adjustment you never would have passed this. The Zoning Board decision was to approve it. Through legal council the abutters hired and they filed an appeal. I believe this will be coming up for appeal before the Zoning Board of Adjustment on the 12th of July. I am asking any of the members of the Board of Aldermen that can to attend that meeting and voice their opinion. The more the merrier. I really would appreciate it if you could make it for the turnout upstairs in the auditorium and voice your opinion.

Hopefully we can change the outcome of this because if we don't there are other areas – I know one at the end of Catherine Street abutting Lawndale – they are ready to move over there, and it is other places too. They are going after State land. They will do anything to get the land. We have to put a stop to this. I certainly appreciate your support. I hope the committee gives it a favorable recommendation. Thank you.

Alderman LaRose

I am going to support this. I think this is good legislation, but I have to say in all fairness to the Zoning Board they were in a catch 22 because State law says that you have the right to access your piece of property, however, I am not sure when that law was passed. I suspect it is an old Colonial Law and I don't think that they probably foresaw that somebody was going to try to use this to build housing. As a former member of the Planning Board, as a citizen member, and now as a member of the Planning Board representing the Board of Aldermen, there are times when you have things in front of you that you wish you could vote a different way, but legally you really can't. My position has always been that I am not going to vote for something that is going to

make the city go into litigation and they don't have a chance to win.

I think this legislation does what we want to happen in the City of Nashua – that it protects people who live next to paper streets and that a developer can't come in and use the law to his advantage and to the disadvantage of the people who live there. Thank you Mr. Chairman.

Chairman Rootovich

Is there and further discussion?

Alderman Lozeau

Thank you Mr. Chairman for allowing me to speak at your committee. I too took the walk through this specific piece of property with Alderman Dion, and I too feel the impact to the abutters. This is pretty incredible. I just hope this all works out for both the land owner and the abutters and maybe somehow they can all get together and maybe purchase this property or maybe designate this property as open space. I think by approving this legislation tonight I think you are creating another check and balance system. I agree with Alderman LaRose wholeheartedly that the Zoning Board has not rule on law. This will just help them use their heart more than the law just a little bit more. Thank you.

Chairman Rootovich

Is there anything further?

MOTION CARRIED

Mike Lowe

This has to go to the Planning Board too right?

Chairman Rootovich

Yes it does.

Mike Lowe

I would like to let the public know that it goes to the Planning Board before it goes to the full Board.

Chairman Rootovich

When is your next meeting Mr. Lowe?

Mike Lowe

I think it is the 16th.

Chairman Rootovich

This wouldn't go before the Board next Tuesday anyway. The minutes have got to be typed before they go out. It will be at the only meeting we have in August.

Mike Lowe

We are having a dual meeting because we have 15 items on the agenda. It is a Wednesday/Thursday meeting next week as far as I know.

Alderman LaRose

I thought it was the week after.

Mike Lowe

That is right they changed it. It is the 21st and 22nd or something like that.

Alderman LaRose

I think it should also be mentioned that if the Planning Board gives an unfavorable recommendation the Board of Aldermen has to pass it by 2/3. If it is a favorable recommendation it only – maybe it has to be 2/3 anyway.

Chairman Rootovich

If it is unfavorable it is 2/3, but rest assured you have 15 members of the Board who endorsed it. I don't see that as an issue at this time. For the people in the audience it will come back to the full Board for final ratification I believe on August 8th. You are welcome to come and give further testimony at that meeting as well.

Is there any further discussion?

NEW BUSINESS – None

ADJOURNMENT

MOTION BY ALDERMAN SHAW TO ADJOURN

MOTION CARRIED

The meeting was declared adjourned at 7:15 p.m.

Alderman Richard LaRose
Committee Clerk Pro Tem