

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

MARCH 7, 2006

A meeting of the Planning and Economic Development Committee was held on Tuesday, March 7, 2006 at 7:10 p.m. in the Aldermanic Chamber.

Chairman Brian S. McCarthy presided.

Members of the Committee present: Alderman-at-Large Steven A. Bolton, Vice Chair
Alderman Richard LaRose
Alderman Mark S. Cookson
Alderman Michael Tabacsko

Members Not in Attendance:

Also in Attendance: Alderman-at-Large David Rootovich
Alderman-at-Large Fred S. Teeboom
Mike Lowe, Liaison, Nashua City Planning Board
Steve Williams, Exec. Dir., Nashua Reg. Planning Comm.

PRESENTATIONS

A presentation was given by Steve Williams of the Nashua Regional Planning Commission (NRPC) on the Commuter Rail Project.

COMMUNICATIONS

From: Jeffrey A. Zall, Esquire
Re: Impact Fee Waiver – Walden Woods

**MOTION BY ALDERMAN BOLTON TO ACCEPT AND HOLD IN COMMITTEE
MOTION CARRIED**

From: Neighbors of the North End
Re: Concerns about the Trend to Carve Up Nashua's Older, Established Neighborhoods

**MOTION BY ALDERMAN LAROSE TO ACCEPT AND HOLD IN COMMITTEE
MOTION CARRIED**

UNFINISHED BUSINESS – RESOLUTIONS – None

UNFINISHED BUSINESS – ORDINANCES**O-06-05**

Endorsers: Mayor Bernard A. Streeter
Alderman-at-Large David Rootovich

AMENDING TEMPORARY SIGN SETBACK LANGUAGE OF THE ZONING ORDINANCEChairman McCarthy

I had actually looked at this yesterday, and I don't know if the committee has had time to look at that section of the ordinances. There are basically three sub-paragraphs of paragraph B one of which requires that the setback and the height of the signs meet the underlying zone, and two, which express maximum values on each of those. The legislation that is before us seeks to strike the setbacks from the requirement with the underlying zone for reasons that I believe are prudent. What I would propose we do is amend it so that we eliminate one of the three paragraphs, make one of the other two address height restrictions, and the other one addresses setbacks. There is one in there already that says minimum setback is ten feet and twenty-five feet from a corner. What I would propose is that we amend the legislation so that it amends sub-section B, General Standards to delete paragraph 10, renumber 11 to 10 and change paragraph 6 so it read as follows: Height shall comply with the underlying zoning district, but in no case shall a maximum height exceed 8 feet as measured from grade. That doesn't actually functionally change anything in the ordinance other than to make it clear what the standard is for height.

**MOTION BY ALDERMAN BOLTON TO AMEND O-06-05 BY IN SUB-SECTION B, GENERAL STANDARDS, BY DELETING PARAGRAPH 10, RENUMBERING PARAGRAPH 11 TO 10, AND BY CHANGING PARAGRAPH 6 TO READ AS FOLLOWS: HEIGHT SHALL COMPLY WITH THE UNDERLYING ZONING DISTRICT, BUT IN NO CASE SHALL A MAXIMUM HEIGHT EXCEED 8 FEET AS MEASURED FROM GRADE
MOTION CARRIED**

MOTION BY ALDERMAN BOLTON TO RECOMMEND FINAL PASSAGE AS AMENDED

ON THE QUESTIONAlderman Rootovich

The only concern that I have, the ordinance does say from the property line – I don't know if the committee wants to consider reducing that from 10 feet to 5 feet, and if there are any comments or suggestions on that.

Chairman McCarthy

I guess we could entertain that at some point. I would point out that is probably a substantive enough change to require at least re-referral to the Planning Board.

Alderman Rootovich

There are some properties in this city where 10 feet from the street, the embankment goes down 10 feet and you can't see the sign at all with a 10-foot requirement. There is actually no exposure at all to the public. There are several locations like that. That is why I am concerned with the 10 feet rather than the 5 feet.

Chairman McCarthy

What is the pleasure of the committee?

Alderman Bolton

If I understand what the perceived problem is – is it because the ground may slope so far down in the 10 feet that then the 10 feet height limitation on the sign puts it essentially below – certainly below eye level, maybe below ankle level. Could we solve that problem by measuring the height restriction from the level of the grade as it abuts the right of way?

Chairman McCarthy

We can, but that will only help the maximum height within the paragraph we – I have to say that the wording in there requires that you imply that it is the setback and height restrictions on ground signs, which are regulated differently from projecting signs, etc. What I would propose if we want to do that is that we re-word this paragraph. Alderman Rootovich is there urgency to get this done or can it wait for our next meeting?

Alderman Rootovich

I don't see that it has to be passed this evening. I have no problem with that to work on this.

Chairman McCarthy

If we wanted to hold it I could work on some language to achieve that.

Alderman Tabacsko

My question is if not for you amendment tonight what was before us didn't address paragraph 3 at all correct?

Chairman McCarthy

Correct, well ...

Alderman Tabacsko

Paragraph 3 is the minimum 10 feet setback that seems to ... so the original if I am getting this right we are maybe not addressing the real issue here with this original piece.

Alderman Rootovich

Correct.

Chairman McCarthy

Actually we are because what it does is – the 10-foot setback was originally viewed as reasonable. The problem that is resolved by the language that is in front of us is that in the AI and GB zones the front setback for signs is 25 feet so the temporary signs will be required to be 25 feet back. By deleting the requirement for the underlying zone it moves it up to 10, but there is still the issue of if 10 doesn't get you up to the grade.

Alderman Bolton

I would propose we move this along in the form we now have it, and if there are perceived to be further improvements necessary those get proposed by separate legislation and further public hearings be held and further referrals to the Planning Board. I think we solve a good portion of the problem by moving this along, and if we don't we are going to delay things another month.

Chairman McCarthy

The motion is for final passage of O-06-05 as amended. Is there any further discussion?

Alderman Cookson

I would just say it sounds like piecemeal. If we are going to do it let's do it all at once and let's hold this, meet in another two weeks, and we can address paragraph 3. We will have an opportunity to look at some writing, some proposed edits to it, and we can approve it at that point. I don't see the rush to push this through.

Alderman Bolton

The problem is we can't do that. If we are going to amend something to this extent we have to hold another public hearing. That means you have to do the notice requirements, you have to have the thing scheduled, we will not be ready to go. We don't have the language tonight. We could not schedule the public hearing until we are posting the proposed language. We have to then have the public hearing. We are required to refer it to the Planning Board. We have to have the precise language before we refer it to the Planning Board. It will in fact take another month. We can do that, but we are now talking about addressing something that the people who came to us with it didn't even think was the problem. They had a problem they were asking us to address. This addresses that problem. I suppose we could re-write the whole code of ordinances again and say other than that it is piecemeal. The fact is we are doing what we were asked to do by this, and it cannot be done – other things that have been proposed this evening cannot be done in the two-week timeframe.

Chairman McCarthy

The motion then is for final passage as amended. Is there any further discussion?

MOTION CARRIED

O-06-06

Endorsers: Alderman-at-Large Steven A. Bolton
Alderman Michael J. Tabacsko
Alderman Marc W. Plamondon

INCREASING ENVIRONMENTAL HEALTH DEPARTMENT FEES

**MOTION BY ALDERMAN BOLTON TO RECOMMEND FINAL PASSAGE
MOTION CARRIED**

NEW BUSINESS – None

DISCUSSION

ADJOURNMENT

**MOTION BY ALDERMAN LAROSE TO ADJOURN
MOTION CARRIED**

The meeting was declared adjourned at 8:45 p.m.

Alderman Michael J. Tabacsko
Committee Clerk