

PUBLIC HEARING

Public Hearings were conducted by the Planning and Economic Development Committee on Tuesday, November 21, 2006 at 7:02 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 Michael Tabacsko

Members Not in Attendance: Alderman Mark S. Cookson

Also in Attendance:

Alderman Tabacsko

I believe Alderman Cookson indicated that he is attending the Zoning Board meeting, and would possibly be late.

O-06-51

AMENDING THE DEFINITION OF “TWO-FAMILY DWELLING” IN THE ZONING ORDINANCE TO ESTABLISH STANDARDS FOR COMMON WALLS

TESTIMONY IN FAVOR

Paul Johnson, 44 Browning Avenue

TESTIMONY IN OPPOSITION – None

TESTIMONY IN FAVOR

Jane Vincent, 67 Wellington Street

TESTIMONY IN OPPOSITION

Suzanne Vail, Courtland Street

The Public Hearing was declared closed at 7:12 p.m.

O-06-52

**AMENDING THE PROVISIONS OF THE ZONING ORDINANCE WITH RESPECT TO
ELDERLY HOUSING**

TESTIMONY IN FAVOR

Paul Johnson, 44 Browning Avenue

TESTIMONY IN OPPOSITION

Mike Lowe, 6 Sheffield Road

Suzanne Vail, Courtland Street

Peter Bedard, 72 Cox Street

Kathy Hersh, 13 Berkeley Street

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION – None

The Public Hearing was declared closed at 7:33 p.m.

Chairman McCarthy

I want to explain what happened to the third piece of legislation that was originally scheduled for hearing this evening. That was a piece which had grown out of a desire to address the dimensional specifications in certain areas to match the conditions on the ground where the conditions on the ground differ substantially from what was required in the zoning code by averaging those. What we found when that was introduced, in Nashua whenever a piece of zoning legislation is introduced it becomes effective immediately and stays that way for a period of 120 days unless acted upon. All building permit requests that come in during that time are required to adhere to the new proposed code.

What we found were no cases in the process where it did what it was supposed to do, but a number of cases where it did some things that were either tangential to what it should have done or opposed to what it should have done, and the two cases that I saw specifically are ones where we have an area with some large developable undeveloped lots that are long and narrow that have a house on the front end of each one, and in that case in an R9 zone that ordinance put in place a minimum square footage of 88,000 sq. ft. or about 2 ¼ acres for ¼ acre lots, which clearly was an unintended consequence.

In the other case, we had a cul-de-sac where the houses along the sides of the street had been developed fairly far back from the property. The end of the cul-de-sac was undeveloped and abutted a substantial wetland, and the application of that ordinance would have said that the three lots on the back of the cul-de-sac had to be built in the wetland buffer rather than in the fairly cleared building envelope up nearer to the street. Those were the things that precipitated

up withdrawing that piece of legislation to give it some more study. If there is anyone who has comments on that I would be willing to entertain those.

What we are considering looking at in some discussions I have had with the Community Development Division is that we ought to take a look, as we did a while back, at specific neighborhoods where we think there is a potential to need that, and perhaps simply come up with a process where we can in fact create some zoning overlays for small districts that make sense in those terms – in terms of modifying the base zoning. We have a situation where we have about 7 different residential zones and substantially diverse kind of development that has taken place over the years.

Alderman Michael J. Tabacsko
Committee Clerk