

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

SEPTEMBER 19, 2006

A meeting of the Planning and Economic Development Committee was held on Tuesday, September 19, 2006 at 7:55 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: Alderman-at-Large Fred S. Teeboom  
Alderman-at-Large David W. Deane  
Mike Lowe, Liaison, Nashua City Planning Board

Also in Attendance:

COMMUNICATIONS - None

UNFINISHED BUSINESS – None

NEW BUSINESS – RESOLUTIONS – None

NEW BUSINESS – ORDINANCES

**O-06-38**

Endorsers: Alderman Daniel Richardson  
Alderman Greg Williams  
Alderman Mark S. Cookson  
Alderman Robert A. Dion  
Alderman Richard P. Flynn  
Alderman-at-Large David W. Deane  
Alderman Michael J. Tabacsko  
Alderman-at-Large Fred S. Teeboom

**AMENDING THE ZONING ORDINANCE TO ESTABLISH THE DUTY FOR THE ZONING BOARD OF ADJUSTMENT TO MAKE RECOMMENDATIONS TO THE BOARD OF ALDERMEN CONCERNING ZONING AMENDMENTS**

**MOTION BY ALDERMAN LAROSE TO LAY ON THE TABLE ORDINANCE O-06-38 PENDING THE PUBLIC HEARING SCHEDULED FOR OCTOBER 3, 2006, AT 7:00 PM IN THE ALDERMANIC CHAMBER  
MOTION CARRIED**

**MOTION BY ALDERMAN TABACSKO TO TAKE FROM THE TABLE O-06-35**

**MOTION CARRIED**

**O-06-35**

Endorser: Alderman David MacLaughlin

**AMENDING THE ZONING ORDINANCE AND MAP FROM GENERAL INDUSTRIAL TO GENERAL BUSINESS - MIXED USE OVERLAY FOR LAND ON THE MERRIMACK RIVER NORTHERLY OF EAST SPIT BROOK ROAD**

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

ON THE QUESTION

Chairman McCarthy

I will say that while I share Alderman Teeboom's concerns about the reduction of our industrial property, and probably have been the most outspoken member of this Board on that issue, I don't think we are going to get industrial to come back to this site. I think that the proposed use is of much greater benefit to the community as a whole so I will support the motion for final passage.

Alderman LaRose

The Planning Board did discuss this at our meeting, and a unanimous favorable recommendation was given.

Alderman Cookson

Do we have a Business & Industrial Development Authority?

Chairman McCarthy

Yes we do.

Alderman Cookson

Has any conversation happened with this group?

Chairman McCarthy

No, but it normally would not. The Business & Industrial Development Authority is intended to stimulate development of under-utilized properties not one where the developer themselves is promoting active development on the property.

Alderman Cookson

Would not a discussion with them have been helpful from a manufacturing perspective to see if there are potential for that type of industry to use that property versus retail?

Chairman McCarthy

I think we would have to direct that question to the BIDA, but I don't believe that – my personal belief if you wouldn't have found a tenant for this property if it were industrial.

Alderman Cookson

Those are my questions. Thank you.

Chairman McCarthy

Is there any further discussion? The motion is to recommend final passage.

**MOTION CARRIED**

TABLED IN COMMITTEE

DISCUSSION

Alderman Teeboom commented on proposed legislation defining character of neighborhood. He continued by stating his objection to the proposed legislation is that it is to be statistically based on obscure statistics that he does believe can be really understood. He has reviewed some court cases on this subject, and has three cases to refer to from local and Supreme Court cases that have dealt with this specific question. He is also looking into coming up with a different approach. He believes the character of neighborhoods should have a clear and precise definition. He asked if O-06-38 would tie into this situation.

Alderman McCarthy stated he has the three ordinances ready to submit, and hopes to get them on the next Board agenda. He mentioned two things that need to be address (one which is reasonably objective and one is always going to be more subjective). The more objective one is the dimensional requirements of the zones, which is one the piece attempted to work. What it did was to make a much simpler expression of the same thing. It basically says if the average setback on the block is significantly larger than the one that is in the ordinances then the average setback on the block is the one that has to be adhered to. The other one has to do with usage itself as to whether particular sizes of buildings or types of uses are out of character of the surrounding neighborhood.

Alderman Teeboom mentioned he contacted the Legal Department, and they pointed out to him State law that defines, in very general terms, allows local municipality to define in more specificity.

ADJOURNMENT

**MOTION BY ALDERMAN BOLTON TO ADJOURN  
MOTION CARRIED**

The meeting was declared adjourned at 8:07 p.m.

Alderman Michael J. Tabacsko  
Committee Clerk