

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

FEBRUARY 6, 2007

A meeting of the Planning and Economic Development Committee was held on Tuesday, February 6, 2007 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 Robert A. Dion

COMMUNICATIONS – None

UNFINISHED BUSINESS – None

NEW BUSINESS – None

**MOTION BY ALDERMAN LAROSE TO TAKE FROM THE TABLE O-06-51 AND O-06-52  
MOTION CARRIED**

**O-06-51**

Endorsers: Alderman-at-Large Brian S. McCarthy  
Alderman Richard LaRose  
Alderman Michael J. Tabacsko  
Alderman Robert A. Dion

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

Chairman McCarthy

What I did was to draft an amendment, which would accomplish the purpose that was brought up at a meeting of taking care of corner lots, and moving the text out of definitions and into the regulatory part of the ordinances.

The diagram that is on the second page simply shows the applicability on corner lots or on a lot where the two units do not have frontage in the same direction. Even though the building, the code that we passed last year had pictures in them, and there is some debate as to whether those would be in the eventual codification of the ordinances that is updated. For the moment I was giving the pictures more as informative than as part of the ordinance. I did notice after I had drafted this that I hadn't changed the title. The cross outs in the title reflect changing it to record the fact that it will be in the ordinance and not the definition.

**MOTION BY ALDERMAN BOLTON TO RECOMMEND THAT O-06-51 BE AMENDED IN ACCORDANCE WITH THE DRAFT PROVIDED TO THE COMMITTEE  
MOTION CARRIED**

**MOTION BY ALDERMAN BOLTON THAT THE AMENDED VERSION BE FORWARDED TO THE PLANNING BOARD FOR PURPOSE OF RECEIVING THEIR RECOMMENDATION**

ON THE QUESTION

Chairman McCarthy

Do you want to just recommend it and get it back to us, or do you want to recommend final passage pending a favorable recommendation of the Planning Board?

**AMENDED MOTION BY ALDERMAN BOLTON TO RECOMMEND TO THE BOARD OF ALDERMEN FINAL PASSAGE OF O-06-51 AS AMENDED CONTINGENT UPON A FAVORABLE RECOMMENDATION FROM THE NASHUA CITY PLANNING BOARD**

ON THE QUESTION

Alderman Cookson

I personally would prefer to get feedback from the Planning Board and then make a motion for final passage in case there are – through conversation we could probably come up with more meaningful or genuine dialogue that will help us understand what the Planning Board's concerns may be. I would just prefer to have a dialogue prior to final passage of this.

Alderman LaRose

I know that the Planning Board is looking for the amended version. They are in agreement that something has to be done. I guess my question to you Alderman McCarthy is my understanding is the Planning Board can only either say yes or no they can't adjust it. Am I correct?

Chairman McCarthy

That is correct in their final recommendation. It has been past practice if they have concerns that would cause them to issue a negative recommendation to bring those back to the committee before getting a formal recommendation. I think the motion that is on the floor accounts for that as well.

Alderman LaRose

That is my point. Thank you.

Chairman McCarthy

If the Planning Board chooses to make a negative recommendation then the ordinance will come back to the committee, and we can adjust it. I would point out to the committee that this ordinance was introduced in I believe it was November, and that the 120 days in which it is in force will expire at some point in the near future. I understand that there are people who have called in to ask on what day the 120 day period expires so I believe that if that is the case we can expect that there will be additional applications for properties that would not conform to the new wording of the ordinance.

Alderman LaRose

I might add that there is a Planning Board meeting the 15<sup>th</sup> of this month. Next week there will be a Planning Board meeting. The following week there will be an Aldermanic meeting so you will have your answer by then.

Chairman McCarthy

Is there any further discussion?

**MOTION CARRIED**

**O-06-52**

- Endorsers: Alderman-at-Large Brian S. McCarthy
- Alderman Richard LaRose
- Alderman Michael J. Tabacsko
- Alderman-at-Large James R. Tollner
- Alderman David MacLaughlin
- Alderman Robert A. Dion

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

Chairman McCarthy

After looking through the code I actually made some changes to the existing code, and we may want to make some other changes to the language that I had in there. Basically looking through the initial sections on elderly housing there is a table of classifications, which lists a number of kinds of land use codes that are considered elderly housing. Most of them are the typical assisted living kind of facilities that we associate with the elderly housing that we give the density bonus to with the exception of retirement housing services, which is the class that we have seen of simply detached homes at high density.

What I was proposing there is that we remove that item from the list of land use codes leaving pretty much the language that I originally had in although we may want to talk about changing the size of dwelling units, leaving the provisions in on the size of the projects, and removing the column that allows for single family detached bonuses – I am sorry – the land use classification is not necessary detached single family, but it is the just enhanced density no additional services elderly housing, which is the kind of condo projects that we have seen in suburban areas as well. There is another provision in it that allows for enhanced density in detached

dwelling units – I would propose that we remove that. Also reducing the maximum density that is allowed in the RC and D zones from 40 and 75 units per acre respectively to 20 units per acre.

I have heard concerns that 800 square feet is substantially small. I think that the other changes we could either strike that provision entirely or increase that to something on the order of 1,500 square feet.

#### Alderman LaRose

The square footage – I know that we received a letter from one of the engineering firms that does a lot of work in the city, and he felt that 800 square feet is too small, but it isn't huge, but if you go to – last Saturday I went to the Veterans and their units, their smallest unit is a little bit less than 600 square feet, and that really isn't that small. My son owns a condo in Seattle, and his condo is 650 square feet. I find it a livable situation. It is a one bedroom so obviously my wife and I slept in the living room, but I think that some of the new constructions that some of these developers are talking about – that is along Franklin Street, some of their units are going to be 650 square feet. I guess that 800 square feet is quite a bit larger than some of the stuff that we have now. It wouldn't bother me to bring it down some.

I think as I said the units – if you go and look at a single bedroom unit at the Veterans' they have a nice kitchenette, a nice area to it is a combination living room and a little bit of a dining room. Some of these units they are not family units they are for either a single person or a married couple. I think that depending on what their income is will determine where they are going to want to live. If they have a substantial income they are going to be looking at places that are larger, that have more amenities versus someone who is on limited income that is looking for a nice place to live that is not going to cost them too much. Obviously the size of the units and how many units they can fit into an area is going to define what the size of the unit is going to be.

I think when we talk about elderly there is the whole spectrum of elderly. There are those that need help with their rent and those that can afford a moderate rent, and those that can afford a high end rent. Elderly housing is very different for different people.

#### **MOTION BY ALDERMAN BOLTON TO RECOMMEND AMENDING O-06-52 IN ACCORDANCE WITH THE DRAFT DISTRIBUTED THIS EVENING**

#### ON THE QUESTION

#### Alderman Cookson

If you would help me with your – how did you come up with a recommendation for 800 square feet in that first paragraph? I am also curious how some of the other numbers came about. In your second paragraph new development is 30 units, 10 units for re-development – can you just help me with what your thought process was and how you – I am not familiar with the original code, and how this differs from that.

Chairman McCarthy

The thought process on the 800 square feet, that was a number that was basically a straw horse that is subject to change, was what we are seeing are basically these kind of essentially condominium developments on small lots that are typically 1,500 to 2,000 square feet per unit. The basic intent was to restrict it to a size that was more commensurate with the kind of housing units that we find in some of the senior housing that we think is consistent with our intent in having the ordinance. Those tend to be smaller units in that range. As I say 800 may be overly restrictive. It is also possible that the other changes in the ordinance have addressed that case that we are concerned with.

Alderman Cookson

The 800 square feet you said it would be consistent with other or what we think would be appropriate. Is there an example of an elderly housing or a complex that is 800 square feet approximately that you could reference that ...

Chairman McCarthy

I don't know off the top of my head, but I believe that some of the places like the one that is out on the corner of Westgate Crossing on West Hollis Street and probably at least most of the units in the Hunt Community or the Huntington are in that range. That is approximately 20 x 40, which is actually a good-sized unit.

The others are basically when we look at some of the projects that we had that come in typically like some of the things that Southern New Hampshire Services is coming with, the housing that accompanies the Senior Center or Wagner Court or any of those kinds of projects, they tend to be in that 30 unit range for new construction, perhaps a little bigger. That tends to discourage the I have an acre of property I am going to try and wedge as much on it as I can kind of philosophy. I didn't think that was appropriate for some of the re-development projects because basically those are limited typically by existing building size, and those projects tend to make sense when they are in a smaller number of units from an economic standpoint.

Alderman Cookson

Okay. So it will probably be, based on the motion by Alderman Bolton, will this also then go before the Planning Board – with either a favorable or an unfavorable recommendation – if they provide an unfavorable recommendation they may come back with suggestions for square footage or number of units, etc.?

Chairman McCarthy

Yes. In both cases I have actually gone and talked to the Planning Board about these. I don't think the amendments that we are proposing will come as a complete surprise to them.

Alderman Cookson

Who on the Planning Board have you spoken with?

Chairman McCarthy

I spoke to the board at a board meeting when these were on their agenda. The motion is to amend.

Alderman LaRose

I am just wondering if the 800 square feet would prevent a developer from developing. I am just wondering if 650 square feet is more applicable to getting some of this stuff done.

Chairman McCarthy

There is nothing to stop them from building at 650 square feet. That is the maximum size of the units not the minimum.

Alderman Tabacsko

I think 800 is – I don't know if it is good or bad, but I know I have been in a – I lived in a 430 square foot unit at one point, and that is small. I would say maybe the 800 if not leaving a little bit of room on the up side from that. I would support 1,000 I think if the committee thought it was necessary.

Alderman Dion

Just for informational sake, would you know Mr. Chairman if there is any language in the elderly housing code – and I know Alderman LaRose had experience with this in a case of elderly housing that wanted to be put up at the corner of First and Lake Street pertaining to taking some condos or duplex and making it 3 or 4 units of elderly housing. I am talking about a recreational room – is that is the statute now? I know that was an issue on this First and Lake Street thing.

Chairman McCarthy

It is not in the – there is no requirement for common space in the existing ordinances. This ordinance would add that. That is one of the requirements.

Alderman Dion

The reason I said because I remember watching a hearing when Alderman LaRose brought that up. Do you recall that issue?

Chairman McCarthy

I don't believe that the person on Lake project would qualify under the new ordinance.

Alderman Dion

They tried to make it qualify though.

Chairman McCarthy

Did you want to make a motion to amend that ...

**MOTION BY ALDERMAN TABACSKO TO FURTHER AMEND BY REPLACING “800 SQUARE FEET” WITH “1,000 SQUARE FEET”  
MOTION CARRIED**

Chairman McCarthy

We are back to the motion to recommend adoption of the draft. Is there any further discussion of that motion?

**MOTION CARRIED**

**MOTION BY ALDERMAN BOLTON TO RECOMMEND FINAL PASSAGE OF O-06-52 AS AMENDED CONTINGENT UPON A FAVORABLE RECOMMENDATION FROM THE PLANNING BOARD  
MOTION CARRIED**

TABLED IN COMMITTEE

**O-06-57**

Endorsers: Alderman-at-Large James R. Tollner  
Alderman-at-Large Brian S. McCarthy  
Alderman Michael J. Tabacsko

**AMENDING THE LAND USE CODE TO AUTHORIZE ACCEPTANCE OF LAND OR INTERESTS IN LAND WHEN DEEMED APPROPRIATE BY THE PLANNING BOARD OR ZONING BOARD OF ADJUSTMENT AS A CONDITION OF APPROVAL**

**O-07-76**

Endorser: Alderman Daniel Richardson  
**PROVIDING ADVANCE NOTICE TO ABUTTERS OF APPLICATION FOR BUILDING PERMITS AND LAND USE PERMITS**

DISCUSSION

Alderman Dion questioned why O-06-57 continues to be held in committee. Alderman McCarthy stated he had wanted to concentrate on the other two pieces of legislation that were addressed tonight, and wishes to get Corporation Counsel to draft some amendments to O-06-57 and bring them back to another meeting for discussion.

ADJOURNMENT

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

The meeting was declared adjourned at 7:40 p.m.

Alderman Michael J. Tabacsko  
Committee Clerk