

JOINT MEETING - PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE and
COMMITTEE ON INFRASTRUCTURE

FEBRUARY 7, 2023

7:15 or immediately following Special BOA public hearing

Aldermanic Chamber

ROLL CALL

PUBLIC COMMENT

DISCUSSION

- Elm Street Middle School discussion with Architects

COMMUNICATIONS

From: Tim Cummings, Director of Economic Development
Re: Communication on potential new development project(s) for BIDA

From: Sam Durfee, AICP, Planning Manager
Re: Planning Board Report – Ordinance O-23-040

From: Sam Durfee, AICP, Planning Manager
Re: Planning Board Report Dozer Road Discontinuance Petition

UNFINISHED BUSINESS

PETITIONS

NEW BUSINESS – RESOLUTIONS

NEW BUSINESS – ORDINANCES

O-23-040

Endorsers: Alderman Richard A. Dowd
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee
Alderman-at-Large Gloria Timmons

AMENDING THE LAND USE CODE REGARDING PARKING SPACE REQUIREMENTS FOR MIDDLE AND HIGH SCHOOLS

TABLED IN COMMITTEE

- Petition for Street Discontinuance – Dozer Road Lots (A-990, 132-85, A-994, A-768, A-68, 132-1, A-67, and A-58)

GENERAL DISCUSSION

PUBLIC COMMENT

REMARKS BY THE ALDERMEN

ADJOURNMENT



THE CITY OF NASHUA

The Office of Economic Development

"The Gate City"

TO: Board of Aldermen
FROM: Tim Cummings, Director of Economic Development
CC: M. Sullivan, Director of Community Development
C. Leonard Deputy Corporation Counsel
DATE: December 30, 2022
RE: Communication on potential new development project(s) for BIDA

Background

I am writing at the direction of the Business Industrial Development Authority ("BIDA") where the group recently met and discussed new opportunities for land development within Nashua.

Over the last year or so BIDA has met on and off to discuss next steps and to chart a course since finishing their involvement with the "Renaissances Project" now known as "Riverfront Landing." As you may recall, the Riverfront Landing project's first phase is 152 units. There is a second phase currently under construction with approximately 165 units. These two phases came to fruition after a decade's long effort to develop this land starting with a master planning exercise and a culmination of two sales to a developer that permitted the property and arranged for the vertical development of the site. BIDA's guiding hand in this initiative has come to fruition and the group is looking for its next project.

To that end, BIDA selected 77-8 and 77-3 to begin the discussion on potential (re-)development of this land. Explicitly wanting to focus on 77-8, which currently contains a structure that housed an elevator company (with a street address of 82 Pine Street Ext.), but today is used by the Nashua Police Department for training purposes. If the Nashua Police Department moves their training to 9 Riverside Drive, the Nashua Police will be turning this site back to the City. 77-8 is approximately 1.25 acres and is in the Millyard. This subject parcel will need a purpose should the police vacate the site. As for 77-3 it is currently a city parking lot that abuts 77-8 and other

Millyard properties (3 & 5 Pine Street Ext.). The land is just under 2.0 acres. BIDA is interested in learning whether one or both of these parcels could be developed for the City's benefit.

Should the City agree and ordain BIDA with the authority to develop this land area BIDA would in turn use some of its money, which is currently set aside in a trust fund (approximately \$250,000) to begin to develop plans and concepts that would take into consideration all the strengths, weaknesses, obstacles and opportunities with the land. Once this planning exercise is complete an RFP could be issued for a developer.

Request

Ultimately, BIDA is interested in the Board of Aldermen approving a piece of legislation that would empower the group to re-develop the land and sell it under the same scenario as it did with the Riverfront landing project. BIDA would be looking to share in the profits of the land sale similarly as it did with the city a few years back (essentially a 50/50 split of the proceeds). (The city collects and keeps 100% of the future tax dollars from the new development).

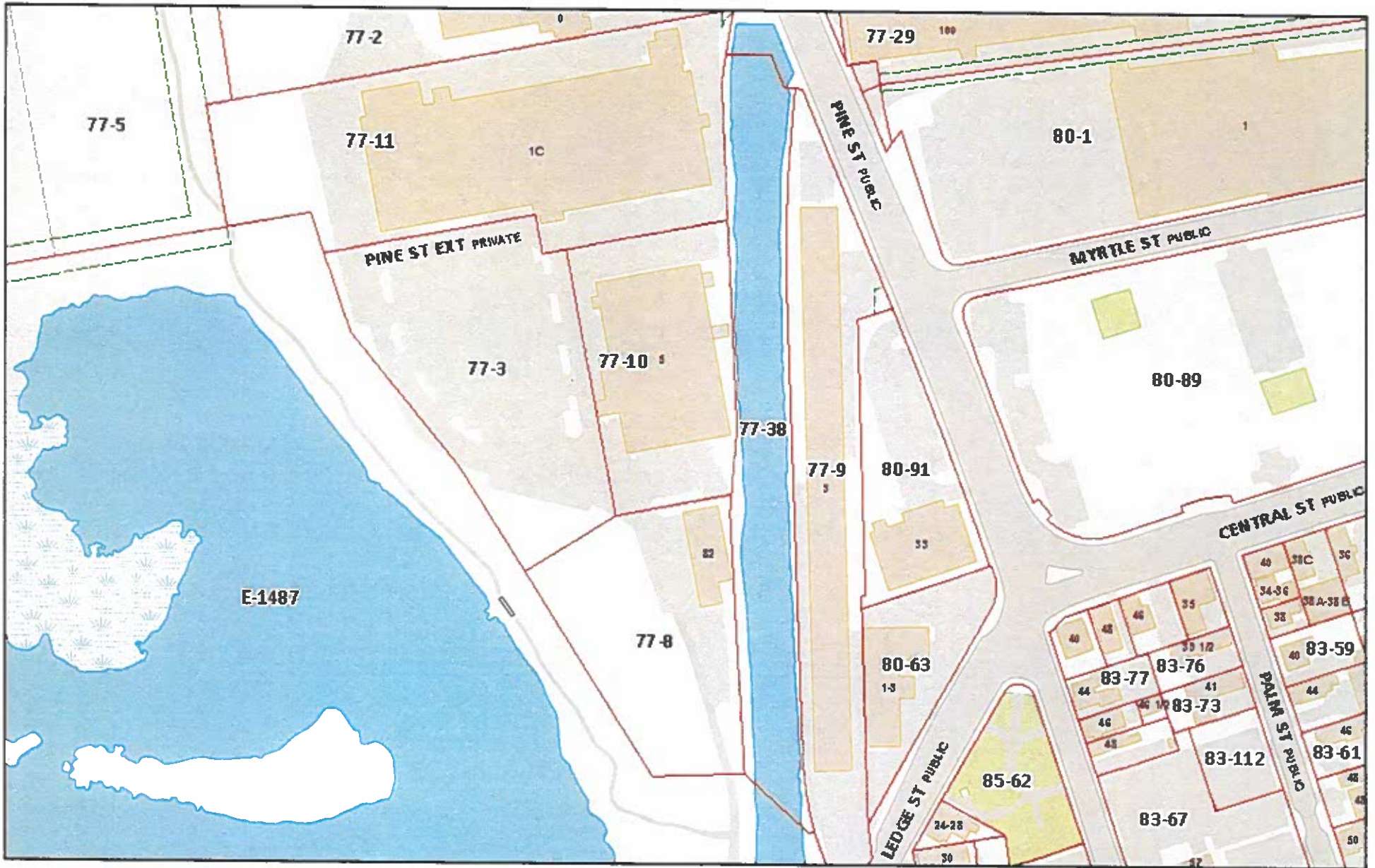
Recommendation

In conclusion, I would recommend that this communication be referred to a subcommittee or subcommittees where this idea could be vetted and if there is a consensus the main points of a piece of legislation could be developed prior to the official drafting of legislation that would follow on.

Thank You.

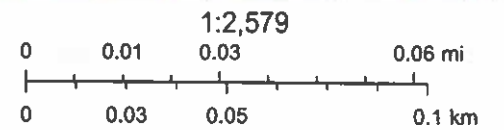
Enclosure (Parcel Map of 77-3 & 77-8)

Map of 77-3 & 77-8



12/30/2022

- Address Points Parcels
- Road Names Common Lines
- Parcel IDs Other Easements
- Conservation Easements





City of Nashua
Planning Department
229 Main Street
Nashua, New Hampshire 03061-2019

Planning & Zoning 589-3090
Fax 589-3119
Web www.nashuanh.gov

STAFF MEMORANDUM

DATE: February 3, 2023
TO: Board of Aldermen & Planning and Economic Development Committee
FROM: Sam Durfee, AICP, Planning Manager
RE: Planning Board Report – Ordinance O-23-040

In accordance with § 5-19 Necessary Procedure for Passage and §190-130 Zoning Amendments, the purpose of this memo is to serve as the required report from the Planning Board on O-23-040 which seeks to amend Table 198-1, entry 258 of Land Use Code § 190-198 Number of Off-Street Parking Space. This amendment eliminates "middle, and high school" from entry 258, now 258-a, and establishes entry 258-b "Schools, middle and high" and sets a maximum parking space limit of 2.5 spaces per classroom, where the maximum was previously 2 spaces per classroom.

At the February 3, 2023 Planning Board meeting, **the Board voted unanimously in favor of a motion to provide the Board of Aldermen and the Planning and Economic Development Committee with a positive recommendation to pass O-23-040.**

The basis for this recommendation is that for middle and high school site plan applications that have come before the Board, a waiver from the parking maximum has routinely been requested and granted. The Board views this ordinance as modernizing amendment that reflects current conditions.

Sincerely,

Sam Durfee, AICP
Planning Manager

Cc:
Matt Sullivan, Community Development Division Director
Celia Leonard, Deputy Corporation Counsel
Scott LeClair, Chair, Nashua City Planning Board
File



City of Nashua
Planning Department
229 Main Street
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STAFF MEMORANDUM

DATE: February 3, 2023
TO: Board of Aldermen – Committee on Infrastructure
FROM: Sam Durfee, AICP, Planning Manager
RE: Planning Board Report Dozer Road Discontinuance Petition

In accordance with § 285-24(B) Aldermanic Procedure for Discontinuance of Streets, the purpose of this memo is to serve as the required report from the Planning Board on the petition to discontinue a portion of Dozer Road.

The petition is to discontinue a portion of Dozer Road, associated with Lots A-990, 132-85, A-994, A-768, A-68, 132-1, A-67, and A-58 (the northern discontinuance).

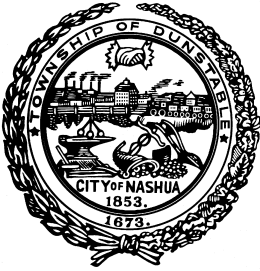
At the February 3, 2023 Planning Board meeting, **the Board made a motion to provide the Board of Aldermen and the Committee on Infrastructure with a positive recommendation to discontinue the northern section of Dozer Road.**

The northern discontinuance of Dozer Road abuts a small City-owned parcel, lot 114-233. Once discontinued, the parcel would have no access to a public way. The Planning Board's recommendation comes with a condition that the Petitioner either grant the City and access easement, or purchase lot 114-233 from the City for fair market value. City Staff will continue to work with the Petitioner to come to a resolution of the access issue for lot 114-233.

Sincerely,

Sam Durfee, AICP
Planning Manager

Cc:
Matt Sullivan, Community Development Division Director
Celia Leonard, Deputy Corporation Counsel
Scott LeClair, Chair, Nashua City Planning Board
File



ORDINANCE

AMENDING THE LAND USE CODE REGARDING PARKING SPACE REQUIREMENTS FOR MIDDLE AND HIGH SCHOOLS

CITY OF NASHUA

In the Year Two Thousand and Twenty-Three

The City of Nashua ordains that Part II “General Legislation”, Chapter 190 “Land Use”, Part 4 “Development Standards for Site and Subdivisions Plans”, Article XXVIII “Parking”, Section 190-198 “Number of off-street parking spaces”, Table 198-1 “Parking Matrix”, entry number “258” of the Nashua Revised Ordinances, as amended, be hereby further amended by adding the new underlined language, and deleting the struck-through language as follows:

**Table 198-1
Parking Matrix**

Key: “sf” means square feet of gross floor area, unless otherwise indicated. “Outdoor area” means the area outside of enclosed buildings or structures that area devoted to the use only, and does not include areas devoted to parking. “N/A” means not applicable. See §190-15, Table 15-1, of this Chapter 190 for definitional references.			
Use	Minimum Parking Spaces	Maximum Parking Spaces	Use Category for Loading Standards (See §190-199, Table 199-1; note: applies only if more than 5,000 square feet)
Education, Public Administration, Health Care, and Institutional			
258-a. Schools, academic, nursery and preschool, grade schools, elementary, middle, and high school	1 per classroom	2 per classroom	(2)
<u>258-b. Schools, middle and high</u>	<u>1 per classroom</u>	<u>2.5 per classroom</u>	<u>(2)</u>

All other ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This ordinance shall become effective immediately upon passage.

LEGISLATIVE YEAR 2023

ORDINANCE:

O-23-040

PURPOSE:

Amending the Land Use Code by regarding parking space requirements for middle and high schools

ENDORSER(S):

Alderman Richard A. Dowd

**COMMITTEE
ASSIGNMENT:**

FISCAL NOTE:

None.

ANALYSIS

This legislation amends the City's Land Use Code by increasing the maximum number of off-street parking spaces allowed for middle and high schools as shown. State statute (RSA 675:2) and NRO Section 190-132 require a public hearing and referral to the city planning board. The public hearing is conducted by the aldermanic planning and economic development committee with notice published in a newspaper of general circulation and posted in two public places at least 10 calendar days prior to the date of the hearing. The notice period does not include the day notice is posted or the day of the public hearing. (RSA 675:7, I) Under RSA 676:12 and NRO Section 105-3, no building permit may be issued after the legal notice has been posted if the proposed changes would, if adopted, justify refusal of the permit. This limitation applies for a period of 120 days.

Approved as to form:

Office of Corporation Counsel

By: _____

Date: _____

PETITION FOR STREET DISCONTINUANCE

TO THE HONORABLE BOARD OF ALDERMAN OF THE CITY OF NASHUA:

Pursuant to the Nashua Revised Ordinances, Chapter 19, Section 19-36, the undersigned requests that the following described portion of Dozer Road known as Lots A-990, LOT 132-85, LOT A-994 & LOT A-768 AND EASTERLY OF LOT A-68, LOT 132-1, LOT A-67 & LOT A-58, be discontinued from public dedication or use:

A CERTAIN PARCEL OF LAND SITUATED WESTERLY OF THE F.E EVERETT TURNPIKE AND LOT A-990, LOT 132-85, LOT A-994 & LOT A-768 AND EASTERLY OF LOT A-68, LOT 132-1, LOT A-67 & LOT A-58, IN THE CITY OF NASHUA, COUNTY OF HILLSBOROUGH, STATE OF NEW HAMPSHIRE, AS SHOWN ON A PLAN ENTITLED "BOUNDARY, DISCONTINUANCE – CONSOLIDATION & LOT LINE ADJUSTMENT PLAN – GATEWAY HILLS – TAX MAP LOTS A-58 & A-768, A-67 & A-994 – 132-1 & 132-85, A-68 & A-990 AND 114-231 – AND DOZER ROAD – PREPARED FOR: - JOHN FLATLEY COMPANY – LAND OF: - JOHN J. FLATLEY", SCALE 1"=100', DATED NOVEMEBR 1, 2021 AND LAST REVISED JUNE 20, 2022, BY FIELDSTONE LAND CONSULTANTS, PLLC, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A CONCRETE N.H. HIGHWAY BOUND SET IN A STONE WALL AT THE NORTHWEST CORNER OF THE EXISTING DOZER ROAD AT THE NORTHEAST CORNER OF LOT A-68; SAID BOUND MARKING THE NORTHERLY END OF DOZER ROAD AT THE SOUTHELY LOT LINE OF LOT A-82, THENCE

N 57° 25' 41" E, A DISTANCE OF 43.45 FEET, TO A DRILL HOLE IN SAID STONE WALL, THENCE

N 57° 19' 21" W, A DISTANCE OF 6.63 FEET ALONG SAID STONE WALL TO A POINT; SAID POINT BEING THE NORTHEAST CORNER OF THE EXISTING DOZER ROAD, THE NORTHWEST CORNER OF LOT A-990 AND THE NORTHERLY END OF DOZER ROAD AT THE SOUTHERLY LOT LINE OF LOT A-82, THENCE

S 35° 36' 38" E, A DISTANCE OF 301.83 FEET ALONG THE EASTERLY SIDELINE OF DOZER ROAD AND THE WESTERLY LOT LINE OF SAID LOT A-990; THENCE

S 23° 04' 33" E, A DISTANCE OF 333.17 FEET ALONG THE EASTERLY SIDELINE OF DOZER ROAD AND THE WESTERLY LOT LINE OF SAID

PETITION FOR STREET DISCONTINUANCE

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LOT A-990, CROSSING A STONE WALL AND CONTINUING ALONG THE WESTERLY LOT LINE OF LOT 132-85 TO A POINT; THENCE

S 19° 38' 58" E, A DISTANCE OF 411.69 FEET ALONG THE EASTERLY SIDELINE OF DOZER ROAD AND THE WESTERLY LOT LINE OF SAID LOT 132-85, CROSSING A STONE WALL AND CONTINUING ALONG THE WESTERLY LOT LINE OF LOT A-994 TO A POINT; THENCE

S 19° 50' 23" E, A DISTANCE OF 765.96 FEET ALONG THE EASTERLY SIDELINE OF DOZER ROAD AND THE WESTERLY LOT LINE OF SAID LOT A-994, CROSSING A STONE WALL AND CONTINUING ALONG THE WESTERLY LOT LINE OF LOT A-768 TO A POINT; SAID POINT BEING ON A STONE WALL AT THE SOUTHWEST CORNER OF SAID LOT A-768 AND THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PORTION OF DOZER ROAD TO BE DISCONTINUED; THENCE

S 86° 59' 00" W, A DISTANCE OF 6.32 FEET ALONG SAID STONE WALL TO A DRILL HOLE AT THE WESTERLY END OF SAID STONEWALL; THENCE

S 86° 35' 59" W, A DISTANCE OF 41.83 FEET TO A DRILL HOLE AT THE EASTERLY END OF ANOTHER STONE WALL; THENCE

S 86° 38' 55" W, A DISTANCE OF 3.99 FEET ALONG SAID STONE WALL TO A POINT; SAID POINT BEING AT THE SOUTHEAST CORNER OF LOT A-58 AND THE SOUTHWEST CORNER OF THE HEREIN DESCRIBED PORTION OF DOZER ROAD TO BE DISCONTINUED; THENCE

N 19° 50' 23" W, A DISTANCE OF 751.24 FEET ALONG THE WESTERLY SIDELINE OF DOZER ROAD AND THE EASTERLY LOT LINE OF SAID LOT A-58, CROSSING A STONE WALL AND CONTINUING ALONG THE EASTERLY LOT LINE OF LOT A-67 TO A POINT;

N 19° 38' 58" W, A DISTANCE OF 410.28 FEET ALONG THE WESTERLY SIDELINE OF DOZER ROAD AND THE EASTERLY LOT LINE OF SAID LOT A-67, CROSSING A STONE WALL AND CONTINUING ALONG THE EASTERLY LOT LINE OF LOT 132-1 TO A POINT; THENCE

S 23° 04' 33" E, A DISTANCE OF 326.15 FEET ALONG THE WESTERLY SIDELINE OF DOZER ROAD AND THE EASTERLY LOT LINE OF SAID LOT 132-1, CROSSING A STONE WALL AND CONTINUING ALONG THE EASTERLY LOT LINE OF LOT A-68 TO A POINT; THENCE

N 35° 36' 38" W, A DISTANCE OF 299.02 FEET ALONG THE WESTERLY SIDELINE OF DOZER ROAD AND THE WESTERLY LOT LINE OF LOT A-68 TO THE POINT OF BEGINNING.

PETITION FOR STREET DISCONTINUANCE

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SAID PARCEL CONTAINS 89,984 SQ.FT., MORE OR LESS

PETITION FOR STREET DISCONTINUANCE

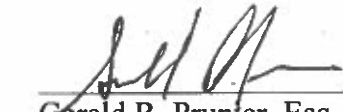
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The street discontinuance is being petitioned by:

John Flatley Co.


By its attorneys:
Prunier & Prolman, P.A.

Dated: 10/7/2022



Gerald R. Prunier, Esq.
20 Trafalgar Square, Suite 100
Nashua, NH 03063
603-883-8900

The petitioner has submitted a reproducible plan of the proposed street discontinuance showing the abutting owners, the location of the new proposed property lines, any existing utilities, and the new bounds to be set.

Plan and Petition received: Date: 12/11/2022 

City Clerk

The foregoing petition () is () is not Recommended for approval:

The foregoing petition () is () is not Recommended for approval:

City Engineer Date

Chairman, Nashua Planning Board Date

Petition introduced at Board of Aldermen Meeting Date: _____

Public Hearing conducted b the Committee on Infrastructure:

Date Time Place

In accordance with Chapter 19, Section 19-37, the foregoing petition was granted, conditional on the petition's recording the plan in the Hillsborough County Registry of Deeds, by the Board of Alderman and Mayor on: _____
Date

ATTEST: _____
Date

City Clerk

