

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

JUNE 16, 2020

A meeting of the Planning and Economic Development Committee was held Tuesday, June 16, 2020, at 7:18 p.m. via teleconference.

Chairman Tencza

As Chairman of the Planning and Economic Development Committee, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

a) Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

To access Webex, please refer to the agenda or the City's website for the meeting link.

To join by phone: 1-408-418-9388 - Meeting number/access code: 712 962 326

b) Providing public notice of the necessary information for accessing the meeting:

We previously gave notice to the public of the necessary information for accessing the meeting, through public postings. Instructions have also been provided on the City of Nashua's website at www.nashuanh.gov and publicly noticed at City Hall and Public Health Department.

c) Providing a mechanism for the public to alert the public body during the meeting if there are problems with access:

If anybody has a problem accessing the meeting via phone or Channel 16, please call 603-821-2049 and they will help you connect.

d) Adjourning the meeting if the public is unable to access the meeting:

In the event the public is unable to access the meeting via the methods mentioned above, the meeting will be adjourned and rescheduled. Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

Let's start the meeting by taking a roll call attendance. **When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-To-Know Law.**

Alderman Laws called the roll and asked them to state the reason he or she could not attend, confirmed that they could hear the proceedings, and stated who was present with him or her.

The roll call was taken with 4 members of the Planning and Economic Development Committee present:

Alderman-at-Large David C. Tencza
Alderman Jan Schmidt
Alderman-at-Large Ben Clemons
Alderman-at-Large Brandon Laws

Members not in Attendance: Alderman Tom Lopez

Also in Attendance: Alderman Skip Cleaver
Alderman Elizabeth Lu
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Richard A. Dowd
Gerald Prunier, Esquire

Chairman Tencza

I am present, I can hear everyone and I am alone and I am staying home per the Governor's Orders.

Alderman Schmidt

I am present, I can hear everyone, I am at home alone for the emergency order.

Alderman Clemons

Thank you. I am here, I am alone, I can hear everyone and I am at home per the Governor's Order.

Alderman Laws

I am here, I am alone, I can hear everyone and I am following the Governor's Order as well. Chairman, we have 4 members present: 1 member not present.

COMMUNICATIONS

From: Linda McGhee, Deputy Planning Manager

Re: Referral from the Board of Aldermen on proposed O-20-012, amending the Zoning Map by rezoning land off of Tinker Road from Rural Residence (R-40) to "B" Suburban Resident (R-18)

There being no objection, Chairman Tencza accepted the communication and placed it on file.

From: Linda McGhee, Deputy Planning Manager

Re: Referral from the Board of Aldermen on proposed O-20-013, amending the Zoning Map by rezoning land off of Amherst Street from Park Industrial (PI) to Park Industrial with Mixed Use Overlay District (PI/MU)

There being no objection, Chairman Tencza accepted the communication and placed it on file.

UNFINISHED BUSINESS – None

NEW BUSINESS – RESOLUTIONS - None

NEW BUSINESS – ORDINANCES

Alderman Dowd

Alderman Tencza, there are some other Aldermen in the meeting as well for the record.

Chairman Tencza

Thank you, Alderman Dowd. Also with us we have Alderman Dowd, Alderwoman Lu, and is Alderman Jette still here?

Alderman Dowd

I don't see him. O'Brien is though.

Alderman O'Brien

Alderman O'Brien.

Chairman Tencza

Alderman O'Brien, I apologize.

Alderman O'Brien

That's quite alright.

Alderman Cleaver

Alderman Cleaver is on board.

Chairman Tencza

Thank you, Alderman Cleaver. So we just heard from – I'm sorry, Alderman Laws is there a motion?

O-20-012

Endorser: Alderman Richard A. Dowd

AMENDING THE ZONING MAP BY REZONING LAND OFF OF TINKER ROAD FROM RURAL RESIDENCE (R-40) TO "B" SUBURBAN RESIDENCE (R-18)

MOTION BY ALDERMAN LAWS TO RECOMMEND FINAL PASSAGE BY ROLL CALL

ON THE QUESTION

Chairman Tencza

Any discussion on the motion?

Alderman Dowd

I just wanted to state that we have been looking at this piece of Legislation for quite some time. Director Marchant and I had meetings on this before the pandemic and she is in favor of it. So I would recommend that we pass this.

Alderman Laws

I see that there is a member from Community Development present at the meeting, is that Sarah Marchant? I'll just go ahead and assume no. I just was going to see if she wanted to add anything to it. That's all.

Chairman Tencza

That was their opportunity to identify themselves. Attorney Prunier can I just ask a clarifying question or to Attorney Prunier or Alderman Dowd. Basically this change will make it easier to develop more single-family houses on these pieces of land rather than limit them. The only requirement will be of the road on 40 zones, correct?

Attorney Gerry Prunier

That's correct. They will be able to do it under R-18 if it is passed. It is still a very large lot for the City of Nashua.

Alderman Dowd

It's more in line with what the zoning calls for.

Chairman Tencza

Sure, I ask just generally do you know how many additional houses they'd be able to build on this land if they chose to?

Attorney Prunier

I don't know. It will be at least several. It would probably be could (inaudible) be almost up to twice as much but they are still very large lots.

Chairman Tencza

Any additional questions? Alderwoman Lu?

Alderwoman Lu

Thank you, I just wondered, I wonder when we reason of the lots of the sections of the City like this, what is the initiating factor? Is it or did this initially come from the City or did it come from interested parties? I don't know if you can hear me because there's a lot of noise on my line.

Attorney Prunier

I know you are talking but I can't hear you.

Alderwoman Lu

It happens all the time. Who initiated this? Is it the City looking to plan (audio feedback).

Attorney Prunier

Usually it is the landowner, usually it is the landowner that does it. And usually there has to be some change like in this instance kind of rezoned R40 – there was no water or sewer. Now water and sewer are brought to the site. So that's why they don't need a septic system, they don't need a well; they have public water and sewer.

Alderwoman Lu

Ok. Just to follow up, did you say that the City owns the large lot in this area? That they'd be able to develop as well?

Attorney Prunier

No, I don't know if the City owns a large lot in the City, I don't think so.

Alderwoman Lu

Ok, I thought I heard you say that but I could not hear you very well.

Attorney Prunier

Well if I said it, I was wrong, because it doesn't.

Alderman Dowd

I can tell you, that's a "no".

Chairman Tencza

Anything further Alderwoman Lu? Anything further? Alderman O'Brien?

Alderman O'Brien

Thank you, Mr. Chairman (audio feedback) for a second for Attorney Prunier and through the Chairman, it's live on your microphone and might be part of the noise. But I'd like to take this opportunity to say that I totally support this project, however, (audio cuts out) the City of Nashua embarked on a Fire Probe Study to look at certain areas within the City. Now this has nothing to do with the development and I want to clearly say has nothing to do with the current Firefighter's Contract. But yet, as we look at the words that were put out by Fire Chief Rhodes, where he cannot service the opioid epidemic because of the amount of time per call and he started with the 15 minute limit that it takes away from the emergency response.

Well if you look at the geography of the City and if we look at the run statistic and particularly the Fire Probe Report, the 2001 report; this is the area that they are exactly talking about. And as what Attorney Prunier said, at one time, nobody really worried about it because there was additional development done earlier, putting water and sewer and now this area has become attractive. So my comments are not against the development of this property, it comes with the usual caveats that right now we need to take a look. We have a pending study that is coming in looking at the Fire Department's needs and wants. But the target is to get fire apparatus up there within 4 minutes. That is quite a feat in that area when you look at one engine company who will be coming from the Airport Station on Pine Hill Road, having to go up Sharon Ave. down Amherst Street and perhaps cut up Thornton Road to get to that particular development.

The other thing is to take a look at the company would be the one that is located at Amherst Street. Amherst Street will have to travel up Manchester Street, still quite a distance. For those that are familiar with the City to get from Amherst Street to the street below the area. One can say, well let's look at it. Nashua Fire & Rescue has had recently a very increase over the last several years, an increase in call volume. So it is, therefore, we have had much more development, we've had 34 Pond Street, we have had other places within the City that have been recently developed. We can't go shipping or cutting an engine company.

I talked with this with the Fire Chief, you can't split engine and ladder companies. Basically you are sort of (inaudible). And you've got to remember that the City of Nashua at one time, this would not be an issue if the City of Nashua at this particular time continued to, they purchased the land on Thornton Road to build a fire station. Yet, that was turned into the City never built on it, a fire station obviously and it was turned into a tot lot. So the thing is, again, I am not against O-20-012. That seems to be single family type of homes. But the same is true on O-20-013 and I would like to say I support this, I will vote for it with the Board of Aldermen but with the usual caveat. Again, we have got to look at our infrastructure. Right now if we can't be helping people on opioids because of the time spent on the particular issues, we may need to readdress our fire protection and to the potential occupancy of this particular area.

Some of this development is in an area where it is difficult for fire apparatus to respond promptly. So thank you Mr. Chairman for allowing me to speak. Thank you.

Alderman Dowd

Yes, that same reasoning is why I pushed to get the Fire Department their \$50,000.00 to have the current study done to determine our coverage both in that section in Nashua and also in the Southern portion where a lot of development is going on. As far as the response time right now, it's no different than any of the other many homes in the area. So it is not a difference in response time because of the new development. But if the study determines that the City should put a station at Thornton Road, the lot is there. There's nothing on it that can't be moved. It is a tot lot in the front part of it, but the lot is undeveloped and it is there for a future fire station. So I just wanted to make that point.

Chairman Tencza

Thank you, Alderman O'Brien.

Alderman O'Brien

Thank you. And I am very supportive of Alderman Dowd. What he says is true. I am very much appreciative of him getting the new study done, working with Chief Rhodes on that. The area there does have homes now. But what I am talking about is the potential, when you have more, the odds increase of fires, or accidents, or other things. And what we need as a Board of Aldermen to completely understand is that Manchester has a population of roughly about 112,000 people at 35 square miles with 10 engine companies and four ladder companies. The City of Nashua has square miles of approximately 32 square miles with a population of approximately over 90,000 people. Manchester has four more engine companies for 20,000 people than currently the City of Nashua. Again I am not against this but my intention here this evening is to open up the debate. The firefighters have been right with the contract negotiations. The can has been kicked down the road for 32 years. It's time to stop kicking the can. Thank you, Mr. Chairman.

Alderman Cleaver

I'd just like to ask who owns the property involved?

Chairman Tencza

Attorney Prunier did you hear that? Can you give us an indication of who owns the property currently?

Mr. Prunier

One of them owns a small piece over on Amherst Street, GIMAK Properties and the one on Amherst Street. Let me just look at the application so I get it correct. It is Tinker Road Development, LLC.

Alderman Cleaver

Thank you very much.

Alderman Clemons

More of a comment and maybe a question, so right now the – I completely agree with what Alderman O'Brien was saying about making sure that as we develop these areas especially and particularly in the north end off of Amherst Street and Manchester Street that we are looking at the Fire Department's ability to service that area. I believe and I have been saying and advocating for years that on Thornton and Deerwood Drive there's a connection that goes down to basically – through sort of the northern part of the airport and connects down with what I believe is Airport Road or Perimeter Road, down there. Right now it's a gravel road and its gated access. The Fire Department doesn't like to go down there because it ruins their apparatus. However if that was paved and the Fire Department had access to that, that could potentially cut down the time that it takes for a company from the airport Fire Department to get to those properties in question as well as other properties that are further out on Amherst Street because there would be no obstruction or traffic. They wouldn't have to go here or there to get there.

I am wondering if this legislation could - because one of the things that the City also has is a lack of funding problem. And I am wondering that if this is something that if these developers want to develop this property, that they could contribute to something like paving that road so that we could help the Fire Department have better access to some of these areas on Amherst Street. I don't know if that has been looked into at all or if it was discussed with this or with the Fire Department.

Chairman Tencza

So I'll say that I don't think that right now nothing has come before the Planning Board because obviously the developer is looking for this zoning change before they propose anything. I am not sure if the Planning Board has the authority to require that sort of contribution. I see Alderman Dowd would like to speak on the topic as well.

Alderman Dowd

Two things, I don't think that the way our laws are structured that we would be allowed to have them pay for a road that's nowhere near their property. I think we can make them do things on their property and to adjacent roads if necessary. But I think if you check with Attorney Bolton, that wouldn't be allowed. The other thing is that I have talked to the Fire Department many times concerning that road that was mentioned and they don't want to use it for a number of reasons. And I am not sure that currently the way the airport is structured they want them to use it either because they would have to go through a minimum of two gates. The Fire Department hates gates, as Alderman O'Brien I'm sure can tell you. Gates slow them down significantly and I know that because I was the Chairman of the Airport Authority and I know that gate out towards Amherst Street takes forever to open. It would be faster to go down Sharon Avenue unless there was an accident, but to pave that for the occasional use, to me would be a waste of money.

Alderman Clemons

Well if I could just respond. First of all the street – that is an adjacent street if you look at the map. And secondly, in fact, it's a continuation of the street and secondly the other portion of that and probably the more important portion of that is we need to think outside of the box in regards to how we are going to get more fire coverage to the City. Now you could say, OK, we could build a new fire station off of the same road, but the issue is that if we were to do that, now you've got to pay for the Firefighters to staff it. And then you have to buy the apparatus that goes along with it. And then you've got to maintain that apparatus forever. So we could pave a road, get gates that are faster than the ones that are there or we could build a new fire station

and it would cost you know millions of dollars. We need to think outside of the box is my point. I'm not sure the City of Nashua can do much more development like this if we are not going to be willing to look at solutions for these types of things moving forward. Thank you.

Chairman Tencza

Any further discussion on O-20-012? Seeing none, I will have the Clerk please call the roll on the motion for final passage.

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Tencza, Alderman Schmidt,
Alderman Clemons, Alderman Laws 4

Nay: 0

MOTION CARRIED

O-20-013

Endorsers: Alderman Richard A. Dowd
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Jan Schmidt

**AMENDING THE ZONING MAP BY REZONING LAND OFF OF AMHERST STREET FROM
PARK INDUSTRIAL (PI) TO PARK INDUSTRIAL WITH MIXED USE OVERLAY DISTRICT
(P/MU)**

MOTION BY ALDERMAN LAWS TO RECOMMEND FINAL PASSAGE BY ROLL CALL

ON THE QUESTION

Chairman Tencza

The motion is for final passage. Any discussion on O-20-013? Alderman Dowd?

Alderman Dowd

Yes, this particular change in zoning is incorporated with the thinking from the Community Development Division. Again, in several meetings with Director Marchant, this zoning would probably happen when the Master Plan is done but that's not anytime soon. I have been involved with the zoning on Amherst Street for the last 25 years since I was Chairman of the Zoning Board. And we did a similar one of these and it has worked out quite well, closer down towards Sharon Avenue. The overlay allows for use of the property without having to go through all the time and expense of going through the different boards that are automatically going to be approved anyway. Because the history is there of the prior approvals. But this overlay gives the Community Development Director and the Division much more latitude on approving projects within this district in a timely manner.

Chairman Tencza

Thank you. Any further questions or discussion on O-20-013? Alderman O'Brien.

Alderman O'Brien

Thank you, Mr. Chairman. Much what I said earlier applies to this 20-013 as well. So to save and expedite the meeting I am not going to get heavily into it. But this is an area that is difficult for the Amherst Street Company to get up and also too for the Airport Company. And I would just like to keep in mind, it's not so much getting the first few there, but when you got a fire, that means you are all alone and when you are all alone you are less effective and that's when you need somebody to get you water, a water supply and operations. So therefore, again, this is why they came up with the 4-minute rule. So it's the same thing, I'm not against this, I will support it when it comes to the Full Board, however again, my attention here is to start the conversation that has been negated for 32 years. Thank you, Mr. Chairman.

Alderman Dowd

I will state for the record right now if the study comes back and says that we should have a station on Thornton Road, I will be the first one to sponsor the bond to build it and outfit it, because I live right near there.

Chairman Tencza

Any further questions or comments? I will just mention too as a member of the Planning Board that any site plan for these properties will go before the Planning Board. Any site plan will be reviewed by the Fire Department and the Fire Marshall's Office. So it would be another opportunity for these issues to be raised, both with the Fire Study that should be coming out this year and the site plan would be through the Planning Board process. So seeing no other questions or comments, I'll ask Alderman Laws to please call the roll?

A viva voce roll call was taken which resulted as follows:

Yea:	Alderman Tencza, Alderman Schmidt, Alderman Clemons, Alderman Laws	4
Nay:		0

MOTION CARRIED

TABLED IN COMMITTEE - None

GENERAL DISCUSSION

Alderman Clemons

Yes, Mr. Chairman? Can you give us an update as to when and maybe I should know this so I apologize if it has already been announced, but when is the next meeting for the umbrella ordinance coming up?

Alderman Tencza

It will be - I believe it is June 29th. We had hoped to do it much sooner, however, with the requirements for public notice and the Telegraph not printing a daily paper we are limited to putting notices in only on the Sunday paper. For whatever reason, we looked into trying to do it with the Union Leader, that wouldn't work out per Corporation Counsel. So I believe it is Monday the 29th, we will hold the public hearing and meeting on the umbrella ordinance.

Alderman Clemons

Ok thank you very much.

Alderman Dowd

Attorney Prunier, do you know which Full Board of Aldermen meeting this will be brought up at? Is it going to be at the next one on the 23rd?

Alderman Tencza

I can answer that, I'm not sure Attorney Prunier would know that, but I believe it will be.

Alderman Dowd

For his benefit, to get the date that he has to be there.

Alderman Tencza

If I were Attorney Prunier I would be there on the 23rd, I'm sure it will be on the Agenda which comes out on Friday. Any other general discussion?

REMARKS BY THE ALDERMEN - None

POSSIBLE NON-PUBLIC SESSION - None

ADJOURNMENT

MOTION BY ALDERMAN LAWS TO ADJOURN BY ROLL CALL

A viva voce roll call was taken which resulted as follows:

Yea:	Alderman Tencza, Alderman Schmidt, Alderman Clemons, Alderman Laws	4
Nay:		0

MOTION CARRIED

The meeting was declared closed at 7:50 p.m.

Alderman-at-Large Brandon Michael Laws
Committee Clerk