

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

SEPTEMBER 19, 2023

A meeting of the Planning and Economic Development Committee was held Tuesday, September 19, 2023, at 7:00 p.m. in the Aldermanic Chamber.

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

Alderman-at-Large Melbourne Moran, Jr.
Alderman-at-Large Michael B. O'Brien, Sr., Vice-Chair
Alderman-at-Large Ben Clemons
Alderman Derek Thibeault

Members not in Attendance: Alderman June M. Caron

Also in Attendance: Alderman Patricia Klee
Tim Cummings, Administrative Services Director

ROLL CALL

Chairman Moran

Alderman Caron did inform me and Alderman O'Brien that she would not be able to make it today.

PUBLIC COMMENT

Brad Westgate, Esquire

Thank you Mr. Chairman and good evening. My name is Brad Westgate. I'm a lawyer with Winer Bennett in Nashua, 402 Amherst Street. I'm here to just briefly talk about the Petition for Waiver of School Impact Fee by Crimson Properties, LLC. I don't know Mr. Chairman if you wanted me to speak about that now or when you call that item on the agenda.

Chairman Moran

No, you can speak to it now if you'd like. Yes.

Brad Westgate, Esquire

That'll be fine. Thank you. So we filed an application back in June on behalf of Crimson Properties, LLC, which is the developer of Covington Place – a 12 unit, 62 and older condominium community near 115 Concord Street in Nashua – just past my former office at 111 Concord Street and across from the Church of Latter day Saints on Concord Street. Randy Turmel is with me as well. He's the principal of Crimson Properties, LLC.

So the project has been under development of course. Five units have closed. The sales on five of the units have closed. All of the units are just under 1,000 square feet. The ten units in the building along the back and the two units in the new plex towards the front and that's because under the Land Use Code 62 and older communities cannot have more than 1,000 square feet of habitable space. As you know from prior applications such as this, the Land Use Code also has a school impact fee that is in units such as this up to \$500 per unit. It's based on square footage at \$.50 per square foot. However, there's a waiver provision in the Land Use Code which states that – and this is Section 190-85 of the Land Use Code – notes in pertinent part that impact fees may be waived – that is the school impact fee – if the new development consists of elderly housing which can reasonably be expected not to require additional educational facilities.

So the fee that is typically imposed on say a normal single family development is for capital improvements essentially for the school system. This doesn't have any impact on the regular tax rate that these units will pay. These units will pay their allocable share of the ordinance real estate taxes that everyone else pays that go towards the school system. It's this capital improvement concept that the impact fee generates.

Alderman Thibeault

One minute.

Brad Westgate, Esquire

So in closing we would think that in a situation like this which is a 62 and older community. All residents must be 62 and older so therefore, it's not only just reasonably expected that this community wouldn't generate school aged kids. In effect, they can't generate school age kids because of the 62 and older requirement for residents. So we respectfully request that this Committee grant a favorable recommendation to the full Board. We note that the Planning Board when it considered this did unanimously grant a favorable recommendation. Thank you Mr. Chairman.

Chairman Moran

Thank you.

DISCUSSION - None

COMMUNICATIONS

From: Sam Durfee, Planning Director

Re: Referral from the Board of Aldermen on a petition for waiver of school impact fees for Covington Place, A Condominium Community (2-21 Sutton Way)

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

PETITIONS

Petition for Waiver of School Impact Fees – Covington Place, A Condominium Community
(2-21 Sutton Way)

MOTION BY ALDERMAN THIBEAULT TO GRANT THE PETITION FOR WAIVER OF SCHOOL IMPACT FEES – COVINGTON PLACE, A CONDOMINIUM COMMUNITY (2-21 SUTTON WAY)

ON THE QUESTION

Alderman Klee

Yes this did come in front of the Planning Board and it was unanimous vote to waive these impact fees. It's been pretty common practice throughout the city and if you look at the document that's part of the agenda and look at item number I think 8, it even speaks to the RSA that specifically states that based on RSA 354-A:15, VIII (a) (2), this housing is intended for and solely occupied by persons 62 years of age or older and accordingly, school children are prohibited from residing in this community. So therefore, they would not be impacting the schools and so on. I'm never happy with an age restricted property but this is as it is. I do hope that you do look favorably upon it as the Planning Board did. Thank you.

Alderman Clemons

Yeah as the previous speaker stated, this is common practice for the Board whenever this is 55 plus housing that comes before this Board. We often see a request for the waiver of that impact fee and it is customary that we do that.

Alderman Thibeault

Thank you Mr. Chairman. Yeah I mean I agree with it too. It makes sense based on what we've done before in the past. I see no reason to deny it.

MOTION CARRIED

UNFINISHED BUSINESS – None

NEW BUSINESS – RESOLUTIONS - None

NEW BUSINESS – ORDINANCES - None

TABLED IN COMMITTEE - None

GENERAL DISCUSSION - None

PUBLIC COMMENT - None

REMARKS BY ALDERMEN

Alderman Klee

Thank you so much. I just for the general public it has been determined that CSX will be working on the Main Street tracks - the Sunday the 24th and Monday the 25th. We talked about it at the Board of Aldermen. It's going to be closing the road within that area which have an impact on Franklin Street. It will have an impact possibly on Pearson, Water Street, and so on. So I sent messages out and I've gotten some very interesting e-mails back. The people at Franklin Street because of the school being there were saying how are we going to get there. I suggested that they come off of Amherst Street, to Fairmount, and in through that way, or through Auburn Street and so on.

I had somebody who works at the Library who sent me a message saying I'm coming from Milford how do I do it? I suggested coming down Amherst Street, get on to the Everett Turnpike, come down Kinsley Street Exit 5, and I would suggest going straight across Main Street down Spring, Temple. Their parking is in the back. So where Pearson is probably going to be closed, they'll have to go through that little lot. I've been developing maps for my constituents and so on but I'm sure Mr. Hudson might have some other suggestions but I strongly suggest that people start looking at it right now as to how this is going to impact them because it's definitely going to be Sunday and more than likely it's going to be on Monday as well. It will be just those two days. It should be over with.

The other issue is for those that live at the Jackson Falls condominiums. They may be shut off from like 7 a.m. to 7 p.m. on both Sunday and Monday. So I'm going to try to work with the city and see if we can't find some alternate parking for them during that time that they have to come in and out. So just for the public, I want to get this out and I hope the Aldermen can help push it out too. Thank you.

Chairman Moran

There's always the express way over on Broad Street if you want to take a little...

Alderman Klee

Yes. They could come that way around Walnut back on to Main Street and so on through High Street. Until West Pearl is turned upside down, I think it's easier to just go down Kinsley and come up Elm or Main Street. I think that might be the easiest for people who don't know those ways yet.

Alderman Clemons

Yeah I would hope that this city is going to – the city in conjunction with the rail company is going to put out press releases to WMUR, and the Union Leader, Nashua Telegraph to get this out there. If we don't do that, then it's going to create chaos.

Chairman Moran

Director Cummings do you know if the city has done anything like that?

Tim Cummings, Administrative Services Director

So what you're hearing about is hot off the presses. It just came about today.

Alderman Klee

Like two hours ago.

Tim Cummings, Administrative Services Director

There will be a communication plan that will be executed. It will have all the various elements that we typically do – press releases, communications, and what not to try to get the word out. I appreciate Alderman Klee's comments tonight

because the better we can get the word out, the faster we can get the word out, the better.

Chairman Moran

Thank you Director.

Alderman O'Brien

Yeah I just want to say kudos to Alderman Klee and company. I've been a State Rep. eight terms, 16 years. I was Chair, Vice-Chair of the Transportation Committee which means I've had the distinct honor to butt heads with PanAm Railroad which now CSX has now taken them over. It appears the CSX seems to be a better guardian of the railroad and I'm hoping that this leads to the future of some work with CSX and maybe do we dare mention commuter rail in the future? It could be a possibility. It seems to have some positive notes.

A lot of people were under the impression – I'm sure Alderman Klee would agree – that that was the city's tracks. They were not. They railroad by some 1890 law owns the rail bed and that includes adjacent area to the sides. You can't touch them. So, therefore, we would be in violation and if something ever happened means we would accept all responsibilities such as if the train derailed or something like that. So to all involved, congratulations. Glad to have that fixed. My car thanks you.

Alderman Klee

This particular one they own two feet beyond each track – each side of the track but usually its four feet. This was just a little bit narrower.

Chairman Moran

You just twisted their arm for the betterment of the city.

Alderman Klee

To be honest with you, I had them here for another subject. I brought that one up and I had all the big guns there. I had Director Cummings; I had Director Sullivan; I had the Mayor there and I just kept making a lot of noise. We all know how I can whine.

Chairman Moran

Squeaky wheel gets the grease.

Alderman O'Brien

Probably a good advocate.

Alderman Thibeault

I know that we're the hottest thing on TV on Tuesday nights so if Ward 4 is out there, you have exactly 48 minutes to get out and vote in the special primary. Someone is trying to vote right now. I hear the call. Please get down to Ledge Street and vote. It's important that you vote and you won't have to worry about an election now until November so please do that. Thank you.

Chairman Moran

I thought we were at a PBS telethon for a second.

Alderman O'Brien

Yeah I apologize for that. Excuse me.

Chairman Moran

I only have one thing. I went to the Egyptian food festival over the weekend. I attend it every year. It's amazing. It's great. If you haven't checked it out, definitely look for it for next September. It's a great event with great food and activities for kids.

ADJOURNMENT

**MOTION BY ALDERMAN O'BRIEN TO ADJOURN
MOTION CARRIED**

The meeting was declared closed at 7:13 p.m.

AAlderman Derek Thibeault
Committee Clerk