

## TECHNICAL MEMORANDUM

**DATE:** *Tuesday, June 15, 2021*

**TO:** *Tim Cummings, Director of Economic Development – City of Nashua*

**CC:** *Jill Stansfield, Parking Manager; Amy DeRoche – City of Nashua*

**FROM:** *Andrew Hill, Senior Associate – DESMAN Design Management*

**PROJECT:** *Nashua Overnight Parking Study* **PROJECT #:** *20-21100.00-3*

**RE:** *Draft Report (Revised)*

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In early 2021, DESMAN Design Management (“DESMAN”) was retained by the City of Nashua to engage in a course of study to determine if the City’s current policy of prohibiting overnight parking should be revised and, if so, in what manner and to what extent. The following memorandum summarizes DESMAN’s work to date on this engagement and recommendations.

### EXECUTIVE SUMMARY

DESMAN did not find ground to recommend a blanket repeal of the existing regulations banning overnight parking across the City of Nashua. However, we did find interest in establishment of permit programs allowing for overnight parking specific neighborhoods in some wards within the City. After review of practices employed in peer municipalities and parking industry best management practices, DESMAN developed a proposed program for the establishment of parking permit zones within the City of Nashua. This program hinges on citizens in an area who desire parking on public streets overnight to:

- 1) Demonstrate that the majority of households within the proposed area support the program;
- 2) Agree to core program rules which require streets to be cleared during snow emergencies and to facilitate periodic trash collection and street sweeping;
- 3) Abide by all other existing regulations (i.e., daytime time limits, metering, etc.) prevailing on on-street parking within their proposed zone as well rules specific to the proposed program;
- 4) Register their vehicles and maintain current registration and contact information with the City when purchasing a permit;
- 5) Park only in areas within their zone deemed by the City to be able to safely allow for overnight parking while maintaining clear and free passage for personal, emergency, and service vehicles along the roadway;
- 6) Agree to limits on the number of permits issued in total and the number of permits allowed per household to maintain a balance between legal on-street parking supply and the number of permits issued;
- 7) Purchase permits annually at a cost per permit which allows the City to establish zones at no direct to any constituent other than program participants and subsidize the cost to maintain on-street parking areas within the zone;

- 8) Periodically certify that the majority of households within an established zone still support the program.

Additional detail on this proposed program can be reviewed starting on page 14 of this document.

## **BACKGROUND**

Per the City of Nashua's Code of Ordinances, under Part II (General Legislation), Chapter 320 (Vehicles and Traffic), Article XIII (Night Parking), individuals may not park on City Streets for longer than two consecutive hours between midnight (12:00 AM) and 6:00 AM at any time without a permit. Discussions with City staff indicate this ordinance was originally adopted in the 1930's as a public safety measure against individuals parking outside private homes and businesses to observe those structures prior to the commission of a crime. When initially enacted, this was a blanket prohibition across the entirety of Nashua without exception.

Review of the City's Code suggests that an amendment (320-78.1) to this blanket prohibition was introduced in 2013, allowing for overnight parking of private vehicles on selected city streets by permit only. The Code indicates a maximum limit of 550 permits could be applied for and issued to residents living at select addresses or streets where overnight parking by permit was authorized. Currently, there are a total of forty defined areas on thirty-two streets where overnight parking by permit is allowed.

Individuals wishing to receive a permit to park overnight on designated streets must prove residency on one of the authorized streets or at twelve authorized areas as defined in the Code. There is no limit on the number of permits a qualified resident can receive, but each permit must be specific to a private vehicle registered to the place of residence; qualified residents may not purchase a permit for a commercial or recreation vehicle or boat.

Permits cost \$10.00 per year currently and allow the holder to park overnight in authorized areas where parking is allowed and under conditions where parking is authorized. Permit holders may not park in areas not designated for parking, may not park on the street during snow emergencies or when street maintenance is scheduled, and may not remain in the same space for more than 48 consecutive hours. All proceeds from permit sales are dedicated to covering the cost of the program first, with any surplus revenues pledged to neighborhood improvements in the area where the program is executed. Violators of the overnight parking regulations are subject to parking citation and associated fine of \$25.00, which increases to \$35.00 if not paid within seven days of issue.

A search of news articles indicates that the question of overnight parking has consistently been debated by residents and city leaders for well over a decade as Nashua has grown and increased in density, especially in those neighborhoods closest to the downtown core. As DESMAN understands it, this study was sparked by a request from a member of the Board of Alderman asking for a third-party examination of the policy in light of changes in residential dwelling and commuting patterns provoked by the COVID-19 pandemic.

## **METHODOLOGY**

DESMAN initiated our course of study with a series of structured virtual "Town Hall" meetings with the residents of each Ward within the City of Nashua. These meetings lasted between 60 and 90 minutes and length and were conducted over a period of seven weeks in January, February and March of 2021.

Attendance at these meetings varied from just a handful of residents in some wards to upwards of eleven residents in some of the wards closest to downtown. In addition, representatives from the Nashua Department of Public Works, the Board of Alderman, the Parking Department, and Economic Development were also on hand. These meetings were conducted as open forums during which residents were encouraged to speak out about their concerns, desires, objections to and/or support for a change in the current policy regarding Overnight Parking. Residents were also encouraged to ask questions of DESMAN representatives, City staff, and Alderman and to react to conceptual scenarios regarding possible changes to the policy.

DESMAN also met with representatives of the Nashua Police Department, Fire Department, Department of Public Works, Parking Department, and Economic Development to discuss their perspective on any potential change to current policy and how it could impact their respective missions and operations. These interviews were conducted virtually in December 2020.

During the course of interviewing City staff, leaders, and Alderman and subsequent to concluding the public forums, DESMAN also executed a course of study to examine best practices with regards to overnight parking policy across the whole of the parking, transportation and mobility industry as well as at specific municipalities deemed “comparable” to Nashua.

Based on this feedback, DESMAN prepared a set of recommended policy changes for consideration by City staff and the Board of Alderman.

**FEEDBACK FROM PUBLIC FORUMS**

In total, DESMAN conducted a total of eleven forums; one for each ward and two supplemental meetings to revisit issues and questions raised in Wards 3, 4 and 7 that could not be addressed in the original meeting. A summary of attendance by meeting is provided in **Table 1**.

**Table 1: Attendance by Ward for Public Forums**

Date	Ward	Attendees			Total
		Residents	Alderman	Staff	
1/14/2021	9	2	1	6	9
1/21/2021	8	3	1	6	10
1/25/2021	7	6	1	7	14
1/28/2021	6	8	1	7	16
2/1/2021	5	2	2	8	12
2/4/2021	4	11	2	7	20
2/8/2021	3	11	1	7	19
2/11/2021	2	4	2	7	13
2/18/2021	1	6	2	5	13
3/8/2021	4*	6	2	5	13
3/11/2021	3 & 7*	8	3	5	16
<b>TOTALS</b>		<b>67</b>	<b>18</b>	<b>70</b>	<b>155</b>

\* Supplemental meeting to cover additional topics/issues

At least one Alderman was present for each meeting and five City staff members from Economic Development, Parking and the Department of Public Works. The wards located the furthest from downtown Nashua, in areas where residential density was lower and most single-family homes had substantial driveways and often garages, generally attracted lower attendance and interest from citizens than those closer to the downtown core, where off-street was not universally available with all residential structures. Universal issues raised across all forums, in no particular order, included the following:

- Lifting of the overnight parking ban could disrupt snow removal operations if the program is not rigidly structured and enforced.
- Any change in policy must account for reasonable setbacks from individual refuse containers for each property, which require a minimum clearance of 2' to any side of the container to allow automated vehicles to safely grasp, lift, and empty the receptacles.
- Any privileges granted by a change in policy would not negate the requirement to clear streets to allow for periodic sweeping and maintenance during the year.
- Any change in policy should be specific only to residents and their guests and should not be extended to commuters, business owners, or others.
- Any change in policy which allows for overnight parking on public streets should be supported with clear markings indicating where individuals can and cannot park. This includes minimum setbacks from fire hydrants, driveways, crosswalks, intersections, etc.
- Any change in policy must take into account the geometrics (i.e., dimensions of width, length, number of travel lanes, etc.) of the particular street(s) being considered and must accommodate the safe and efficient passage of large emergency and municipal service vehicles.

Some residents in Wards 9, 8, 2, and 1 questioned the need for any change in policy, stating that most of the homes in their neighborhoods had abundant off-street parking contained in driveways and private garages. Those residents in these wards who spoke out in support of a change indicated that they were advocating primarily for themselves and desired the ability to park on public streets overnight to accommodate guests or members of their households who could not be parked in their existing driveways or garages.

Within the other wards (3-7) there was a mix of sentiment, with some residents strongly in favor of a change in policy and others equally strident in the opposition. Individual reasons for each perspective varied, but in general, those individuals arguing in support of a change in policy did so due to the following conditions:

- The properties they occupied and/or the properties within their neighborhood were constructed prior to the proliferation of personal vehicles in the United States and as a result were not equipped with off-street parking in match with today's market standards.
- Many properties had adequate parking to support the needs of residents, but not necessarily their guests. This issue has been augmented during the pandemic as many households experienced college-age children returning home for remote learning unexpectedly.
- The property they lived in and/or an adjacent property had been converted from a single-family home to a multiple unit property, inflating demand beyond the size of the parking supply provided when the property was first constructed.

- The need for overnight parking was not a constant, but rather a transient issue experienced primarily around the holidays when family from outside the city came to visit for several days. During these times, the ability to park on the street would help alleviate demand for the limited capacity contained within the resident's existing driveway, garage, and/or lot.

Those individuals living in the same wards who opposed any change to policy noted the concerns about roadway width and geometrics and impacts on snow removal, street maintenance and trash collection noted previously. In addition, these individuals submitted the following arguments:

- Zoning regulations are intended to assure adequate provision of parking to support any land use and/or change in use of an existing building. If there is a problem with parking adequacy for a particular property, it should be incumbent on the property owner or developer to provide adequate capacity in an off-street facility.
- Opening up overnight parking at the curb does not guarantee the space(s) in front of an individual's house will be set aside for their exclusive use. The possibility does exist under such a program that a stranger could be parked in front of your house overnight.
- The City already provides overnight parking options in their off-street facilities for those who have a need.
- There may not be adequate capacity on public streets in some areas to accommodate all the individuals seeking parking.
- Along some streets, there are no sidewalks, so pedestrians and bicyclists use the edge of the roadway for travel. Parking vehicles on these streets overnight would force these individuals into traffic during the morning hours when many residents run, jog, walk, etc.

As a general rule, all parties agreed that any change in policy could only occur within a structured framework that required participants register their vehicles with the City and abide by a uniform set of regulations (e.g., a permit program). By the same token, the majority of participants indicated they would only support a program which was offered at no- or low-cost to participants, arguing that residents already pay substantial property taxes.

## **BASIC PRINCIPLES AND BEST PRACTICES**

The number of municipalities which offer unrestricted access to and use of curbside parking is dwindling across the United States as towns and cities continue to grow and densify. This is a natural response to increasing competition for a limited resource or public good. As first documented by British economist William Forster Lloyd in 1833, any unregulated public resource unhampered by formal rules governing access and use may become depleted when individual uses act in their own self-interest, rather than the common good; this is known in the fields of economics, psychology, anthropology, sociology and urban planning as 'the tragedy of the commons'.

In the context of urban planning and municipal management, curbside parking is a public good provided for the benefit of all constituents within a community, including residents, visitors, merchants, patrons, workers, and others conducting themselves within that community. Curbside parking is, by its very definition, a limited resource as only so many vehicles can be accommodated along public streets within a defined area and, as often is the case, the land uses occupying that area generate parking demand in excess of the parking capacity contained therein. Even when there is ample off-street parking within an

area, individuals will generally prefer to park on the street when possible as it often affords greater proximity and line-of-site travel paths to most destinations than off-street options.

When the density of a community reaches a point where competition for curbside parking begins to create conflicts with various constituencies, municipal leadership typically begins to impose rules and regulations to assure fair and equitable access to all constituents to this limited resource. These rules and regulations often begin as time limits imposed to assure reasonable turnover and availability of curbside parking in a particular area during periods of heightened demand. As density continues to grow in the area and competition increases, the community may migrate to a system of metering which places a financial cost on accessing curbside spaces, further reinforcing the community's desire to create turnover of these spaces by adding an entry cost (i.e., the meter fee) to a penalty (i.e., the fine for failing to pay the meter and/or exceeding posted time limits or other regulations).

A community may also elect to manage and regulate access to and use of curbside parking through a parking permit system. This system allows the municipal leadership to define who may use curbside parking in a particular area under different conditions by requiring individuals wishing to park on the street to register their vehicle with a public agency and abide by a particular set of regulations. These programs provide a number of benefits which include:

1. ***Improving the effectiveness of parking enforcement.*** When a particular area is designated as parking by permit only and participants are required to identify their vehicles in a prescribed manner, it makes it much easier for parking enforcement officers to find unauthorized vehicles and cite them.
2. ***Expediting communications between program participants and the municipality.*** By registering for the program with the municipality, the individual participants provide current contact information to the municipality which can speed communication when conditions occur which may require clearing the streets within the area, such as snow emergencies or scheduled street maintenance.
3. ***Improving security within the district.*** In addition to making it easier for parking enforcement officers to identify scofflaws, parking permit programs also make it easier to identify individuals parking in an area for reasons beyond evading parking regulations.

Most municipalities of any size or density which allow for overnight parking on public streets typically do so within the framework of a parking permit program for the preceding reasons. These programs are often structured as "Residential Parking Permit" (RPP) programs, but may go by other names as well. Some of these programs require a permit to park on the street on a 24/7 basis, while others are only in effect during overnight hours and/or weekends. The first type of program is common in areas that are comprised solely of residential land uses while the second is more common where residential units share a district with other land uses.

Parking permit programs may be established in areas adjacent to commercial districts to prevent individuals seeking to avoid time limits and/or meter fees imposed within those commercial districts from migrating to the adjacent neighborhoods. Alternately, parking permit programs may be established in commercial districts where time limits and/or metering are already in place, but may only be in effect when active enforcement ends for the posted time limits and/or metering. In mixed-use neighborhoods where residential is the dominant land use, but there are retail establishments and/or restaurants, it is

not unusual to find the area is subject to a fixed time limit, often 2-3 hours, or metering requirement unless the vehicle has a permit.

As a general rule, only individuals meeting certain criteria can apply for and receive a permit. Most commonly, the applicant must demonstrate proof of residency by providing mortgage documents, a lease or rental contract, a property tax bill, a utility bill, or some of other defined proof that they reside within the defined parking permit area. Often applicants must also provide a copy of their vehicle registration to prove it is garaged at their home address and legally registered to operate within the municipality and/or state. Applicants are also asked to provide contact information such as a home phone, cell phone, mailing address and email address.

The decision on how many permits to allow an applicant and whether they will be subject to any kind of fee is largely a political one, based on each community's dynamics. In large urban centers like Boston with a robust transit system, the municipality may elect to issue a permit to any individual meeting their criteria, despite the fact there are a very limited number of curbside spaces available in each permit zone. These permits may be offered to qualified applicants at no- or low-cost, but are in essence a 'hunting license' within the district and not a guarantee of accommodation. In these instances, the leadership for the municipality may elect to offer permits in excess of capacity without concern for impact as individuals who cannot find an open space on the street can presumably be accommodated in one of many private off-street commercial parking facilities in the area and/or elect to store their vehicle or get rid of it in favor of alternative modes of transportation which do not require parking.

In smaller communities with lesser transit service, the municipality may limit the number of passes issued to a prescribed limit in attempt to balance the number of permits against the curbside capacity within the permit area. In these cases, the municipality may fix a maximum number of permits to be issued against the judged capacity of a defined permit area or zone and distribute the permits to qualified applicants on a first-come, first-served basis. Alternately, the municipality may limit the issuance of permits to X per individual or household to maintain balance between supply and demand. These methodologies are most common among municipalities which offer permits at no- or low-cost.

In more progressive communities, the municipality regulates the number of permits issued through pricing structures. For example, Town X determines it can comfortably offer one space per household within a defined parking permit zone, but only one additional space for every 5 households in the same area. As a prescription of 1.2 permits per household is not achievable, the Town offers the first permit as a universally accessible price for the community, but additional permits at an aggressively increased cost. Under such a structure, any household who wants a permit can reasonably purchase the first one, but each household must determine if the cost of additional permits is warranted. In this manner, the municipality does not prescribe the number of permits per household, but rather allows households to determine how valuable additional permits might be relative to their budget and means.

The City of Boston is currently considering such a structure, which would charge \$25.00 for the first permit and escalating costs of an additional \$25.00 for each additional permit (e.g., \$50.00 for the second, \$75.00 for the third, etc.). The City of Fort Collins, Colorado has already adopted this structure, offering the first permit for free to qualified applicants, but charging \$15.00 for the second permit, \$40.00 for the third, \$100.00 for the fourth, and \$200.00 per permit for each vehicle thereafter.

Other communities, such as Portland, Oregon, control residential permit issue through pricing by setting the cost per permit at a high-level, \$180.00 per permit, but offering a lower cost, \$60.00, to households

meeting the local definition of low income. Several cities have considered, but have not yet implemented, a rate structure that applies a slide scale to the cost of each permit relative to the applicant’s reported income. A variation of this structure is in place at the University of Connecticut which charges employees and faculty for annual parking permits based on income.

**PRACTICES IN COMPARABLE COMMUNITIES**

In conjunction with leadership in the Nashua Economic Development, DESMAN identified ten communities which were considered comparable to Nashua and/or aspirational. In evaluating communities, DESMAN considered factors such as population, population density, housing density, median income and the percentage of workers reporting they drove alone each day (“driving share”). Three of the communities studied were in New Hampshire and six were located in New England states. The communities studied are shown in **Table 2**.

**Table 2: Comparable and Aspirational Communities Studied**

City:	<i>Nashua</i>	Albany	Ann Arbor	Concord	Concord	Manchester	Meridian	Portland	Portsmouth	Rochester	West Hartford
State:	<i>NH</i>	NY	MI	NC	NH	NH	ID	ME	NH	MN	CT
Population:	<i>88,815</i>	97,889	117,082	91,980	43,244	112,673	101,905	66,735	21,778	115,557	63,063
Area: (sq mi)	<i>31.73</i>	21.94	28.79	63.54	63.90	34.94	34.03	69.44	16.82	55.69	22.30
Pop. Density:	<i>2,719.9</i>	4,506.84	4,297.59	1,517.13	688.30	3,406.59	3,360.74	3,069.92	1,400.28	2,146.69	2,888.90
Housing Units:	<i>37,168</i>	46,362	50,863	36,101	18,663	49,288	41,043	34,075	10,615	49,757	26,437
Housing Density:	<i>1,202.8</i>	2,166.40	1,824.70	568.16	292.07	1,493.60	1,206.08	1,581.60	678.90	893.46	1,185.52
Median Income:	<i>\$73,022</i>	\$45,500	\$63,596	\$83,957	\$62,967	\$58,227	\$75,515	\$56,977	\$78,027	\$73,016	\$104,281
Driving Share:	<i>80.1%</i>	59.1%	53.2%	80.4%	79.5%	78.7%	82.0%	64.6%	74.7%	70.6%	82.9%

DESMAN initially evaluated each of these communities according to their basic policies regarding authorization for overnight parking (“O.P.”). Specifically, DESMAN examined each community’s codes and ordinances to determine of the municipality:

1. Had a blanket prohibition on overnight parking on public streets.
2. Allowed for parking on public streets during overnight hours by permit.
3. Had instituted a Residential Parking Permit (RPP) program to manage on-street parking.
4. Did not have any rules or regulations specific to the issue of overnight parking on public streets.

As shown in **Table 3** on the next page of the ten communities examined only West Hartford, Connecticut had a blanket prohibition on overnight parking including in their code of ordinances.

In Albany, New York, an individual can park for free on downtown public streets between 5:00 PM and 8:00 AM the following day on weekdays and all day on weekends and holidays, but must purchase permit to park in one of the Albany Parking Authority’s off-street facilities.

While the other communities did not prohibit overnight parking per se, there were regulations within each community’s codes regulating parking on-street in some manner. For example, Concord, New Hampshire prohibited the parking of any commercial vehicle on public streets between midnight and 5:00 AM and required personal vehicles parked on street to not stay in one place for more than 48 consecutive hours. Rochester, Minnesota allows overnight parking on public streets without a permit, but requires vehicles to park only on the even numbered side of the streets on even numbered days and the odd numbered side of the street on odd numbered days between 2:00 AM and 3:00 PM from October 1 to May 1 each year. The City of Manchester, New Hampshire has a code on their books which suggests that overnight parking was banned on public streets until 2011, when the prohibition was rescinded.



**Table 3: Existing Regulations Pertaining to Overnight Parking in Communities Studied**

City:	Nashua	Albany	Ann Arbor	Concord	Concord	Manchester	Meridian	Portland	Portsmouth	Rochester	West Hartford
State:	NH	NY	MI	NC	NH	NH	ID	ME	NH	MN	CT
O.P. Prohibition	Yes	No <sup>1</sup>	No	No	No <sup>5</sup>	No <sup>6</sup>	No	No <sup>9</sup>	No	No <sup>16</sup>	Yes
O.P. Permit Only	Yes	No <sup>2</sup>	No	No	No	No	No	Yes <sup>10</sup>	No <sup>13</sup>	No	Yes <sup>18</sup>
By RPP Only	No	Yes <sup>3</sup>	Yes <sup>4</sup>	No	Yes	Yes <sup>7</sup>	No	Yes <sup>11</sup>	Yes <sup>14</sup>	Yes <sup>17</sup>	No
No OP Regulations	No	Yes <sup>1</sup>	Yes	No	No <sup>5</sup>	No <sup>8</sup>	Yes	No <sup>12</sup>	No <sup>15</sup>	No	No

**Notes:**

1. On-street parking in downtown Albany is free from 5:00 pm to 8:00 am the following day on weekdays and all day on weekends and holidays.
2. A permit is required to park overnight in Albany Parking Authority off-street facilities
3. Albany has established several RPPs to regulate parking in residential neighborhoods in effect from 8:00 am to 6:00 pm, weekdays
4. In RPP Zones, there is a 2-hour time limit on vehicles without a RPP
5. Overnight parking is allowed on most public streets under normal circumstances, but no vehicle can be parked in the same space for more than 48 consecutive hours.
6. Overnight parking is allowed on most public streets under normal circumstances for private vehicles, but prohibited for commercial vehicles between midnight and 5:00 AM.
7. RPP zones are designated by the Mayor and Board of Alderman.
8. The city has established an "Odd/Even" policy between December 1 and April 15.
9. Portland does not ban overnight parking, but has a complex and restrictive set of regulations for allowing overnight parking on public streets.
10. See Note #9 above. These restrictions include allowing for overnight parking on alternating sides of the street in different districts
11. Portland has 12 defined RPP Zones, all defined by City Council.
12. As noted previously, Portland has a elaborate set of regulations defining under what conditions overnight parking is allowed.
13. Parking in any free areas is limited to 72 hours maximum. Metered areas are enforced from 9am to 8pm, with an escalation rate structure after 3 hours.
14. Portsmouth piloted their Neighborhood Parking Program (NPP) in 2018-2019 and is working on expanding it with revisions.
15. Only very selected areas are subject to no regulation on overnight parking.
16. Rochester has an alternate side of the street regulation in places from October 1 to May 1 every year between 2am and 3pm.
17. Rochester has 14 distinct Residential Parking Permit areas
18. Under special circumstances, the City will grant very limited overnight parking passes ("Omit Tags") to individuals demonstrating temporary need.

In addition to Nashua, Portland, Maine and West Hartford both had programs which allowed for overnight parking on public streets within the framework of a permit. West Hartford’s program offered only temporary permits for those applicants demonstrating need criteria as well as residency; the permits were referred to as “Omit Tags” because they instructed patrolling parking officers to ‘omit’ the holder from sanction as long as the permit was in effect. Applicants for these permits could apply for them virtually via web portal on the City of West Hartford’s website and qualified recipients did not receive a credential but had their vehicle license plate added to the City’s “do not cite” list.

Portland, Maine offered permanent permits for overnight in nine defined zones across the city within an elaborately structured program. Under this program, and depending on the zone, participants were required to park on either the odd or even side of the street during certain prescribed hours of particular days during the month, leaving the other side of the street open for snow removal and street maintenance. In all but one of the zones, these requirements were in place from October 1 through May 31 each year; in the ninth zone, they were in effect the year round. No vehicle without a permit was allowed to park overnight in these areas. The requirement to clear certain sides of the street on certain days was in effect in most zones 11:30 PM or 12:00 AM to 7:00 AM the following day, with the exception of one area where prohibitions were in effect from 10:00 AM to 2:00 PM on certain days. It should be noted that these permits did NOT allow holders to park on-street during snow emergencies when all vehicles were required to clear public roadways.

Seven of the ten communities studied had some form of Residential Parking Permit (RPP) program in place. While Albany, New York did not have a prohibition to overnight parking on downtown streets, it has established three different RPP zones in neighborhoods abutting downtown which restrict parking on the street to RPP holders only from 8:00 AM to 6:00 PM on weekdays. The requirement for permits during overnight hours and weekends was not in effect for these zones. Ann Arbor, Michigan inversely allows for overnight parking in downtown streets without a permit, but requires a permit in eight neighborhoods to park on street at any time. In these zones, non-permit holders may only park up to two hours without being ticketed.

Concord, Manchester and Portsmouth all have RPP programs in place. Concord's zones are in residential neighborhoods abutting the main downtown core and State Capitol complex. Manchester's RPP are in residential neighborhoods near commercial districts and were established by City Council in collaboration with Mayor. Portsmouth recently completed a pilot program in one neighborhood and is studying expansion of the program into adjacent areas.

Of the communities studied, only Meridian, Idaho appears to have no regulations pertaining to the use of on-street parking at any time. This is curious as Meridian has a higher population density than Nashua and comparable housing density, median income, and driving share. Conversations with the representatives from the city's Police Department and Department of Community Development indicate that competition for curbside parking is limited by abundant development of off-street parking facilities adjacent to every land use per local zoning code. However, both officials noted that parking is becoming a constant issue as Meridian continues to grow and densify and that they anticipate having to institute greater regulation in the near future to govern use of curbside assets.

As noted previously, Albany and Ann Arbor allow for free overnight parking on downtown streets without a permit, but both cities also have RPP programs in place for residential districts abutting those downtowns. In addition, both Albany and Ann Arbor have aggressive metering programs in place for on-street parking outside their RPP zones during daytime hours to compel turnover. Enforcement of these regulations in both cities is rigorous and fines are substantial for violations.

## **DIMENSIONAL CONSIDERATIONS**

Any manner of on-street parking, regardless of regulations and rules, can only exist if there is adequate space along the roadway to allow for parking and safe passage of traffic. As a general rule, parking spaces are between 8' and 9' in width and travel lanes are between 10' and 11' in width, so for a one-way street with parallel parking along just one side, a minimum roadway width of 18' to 20' is required. Changing the angle of the parking stalls, adding additional lanes of travel, and/or adding parking along both sides of the roadway will further increase the dimensional requirements for roadway width.

The structure of the roadway along its length also will impact how many vehicles might be parked along a particular length. As a general rule, there must be at least 20' of contiguous, uninterrupted space along the curb to accommodate one parallel parking space. Both the minimum width of a parallel parking space and its length are determined by the typical vehicle width and length, plus allowances for lateral clearances to open the vehicle's door without interrupting flow along the adjacent travel lane on the driver's side, reasonable clearances between the vehicle and the curb on the passenger side, and clearances to allow for the movement of vehicles in and out of each space. Studies of U.S. vehicle sales over the last two decades have shown that the majority of all vehicles on the road across the country are 6.5' wide by 17.5' long or smaller. These dimensions represent the 85<sup>th</sup> percentile vehicle size of all vehicles in operation within the United States which is consistent with a large SUV such as a Ford Expedition or Chevrolet Suburban.

The linear run of contiguous, uninterrupted space along the curb will define how many vehicles may be parked along that block face. At block face with 100' of uninterrupted, contiguous curb can conceptually park up to five vehicles based on a standard of 8' x 20' per space. In actual practice, the block face may only support more or less vehicles depending on the size of each vehicle and the skill of each driver. In urban centers where parking spaces are not individually delineated, vehicle sizes are smaller than the 85<sup>th</sup>

percentile, and drivers are practiced at parallel parking, it possible that up to seven cars might be parked in the same 100'. Inversely, four large vehicles parked carelessly with several feet of separation between each could fill the same 100' block face, even though there is enough linear distance to support five spaces.

Any interruption in the curb will further reduce the practical parking capacity of a length of roadway. Using the example of the 100' curb face, if there is a driveway of 10' in width in the middle of the block, that would reduce the 100' of uninterrupted space into two segments of 45' in length each, reducing the practical capacity to just four vehicles at an assumed set aside of 20' per space. The addition of second driveway on the same block could easily reduce practical capacity to just three vehicles, even if it is only 10' in width, because it would further reduce the total number of uninterrupted 20' lengths of open curb space along the block face.

Other factors which impact the amount of uninterrupted, contiguous space along a curb face include minimum setbacks from various structures. Some of these setbacks are prescribed to preserve the efficient flow of traffic within the community, including emergency and service vehicles. As a general rule, most communities mandate no vehicle may park within a certain distance of an intersections to accommodate the wider turning movements of long wheelbase vehicles such as fire engines, ambulances, snow plows, and garbage trucks. Other setbacks, such as prescribed 'no parking' areas adjacent to fire hydrants, exist to assure quick and easy access to resources during emergencies.

Other setbacks such as required 'no parking' areas to either side of a curb cut for a driveway or alley exist to preserve site lines for drivers so they can see oncoming traffic along the roadway from a safe vantage point within the driveway or alleyway. Without these setbacks, individuals could park right up to the edge of the curb cut, requiring drivers attempting exit the driveway or alleyway to pull into the roadway to see if oncoming traffic is present before pulling out.

DESMAN reviewed the code of ordinances and zoning code for Nashua as well as the ten comparable communities for required setbacks from crosswalks; stop signs or traffic signals; driveways; alleyways; intersections without crosswalks, stop signs, or traffic signals; fire hydrants; and other structures. DESMAN also collected information, where available, on dimension standard for parallel parking space, travel lanes in roadways, and other pertinent regulations pertaining to parking on public streets. Where there were no clear regulations regarding these items, DESMAN noted this category as "n/a". A summary of this research is shown in **Table 3**.

**Table 3: Dimensional Standards for On-Street Parking**

City:	Nashua	Albany	Ann Arbor	Concord	Concord	Manchester	Meridian	Portland	Portsmouth	Rochester	West Hartford
State:	NH	NY	MI	NC	NH	NH	ID	ME	NH	MIN	CT
Setback from Crosswalk	n/a	20'	20'	20'	20'	20'	20'	20'	n/a	20'	25'
Setback from Sign/Signal	25'	30'	30'	50'	30'	30'	30'	30'	n/a	30'	n/a
Setback from Driveway	2'	n/a	4'	n/a	5'	5'	n/a	5'	n/a	5'	n/a
Setback from Alley	n/a	n/a	4'	n/a	n/a	n/a	n/a	n/a	n/a	5'	n/a
Setback from Intersection	25'	n/a	15'	n/a	20'	20'	n/a	25'	20'	20'	25'
Setback from Fire Hydrant	15'	15'	15'	15'	15'	5'	15'	10'	15'	10'	10'
Setback from Other	Various	20'-75'	20'-75'	20'-75'	12'	12'	50'	20'-75'	n/a	20'-75'	n/a
Parking Stall Dimensions	9' x 23'	8' x 25'	9' x 20'	8.5' x 23'	9' x 22'	8' x 22.5'	9' x 23'	9' x 22'	8' x 20'	8.75' x 20'	9' x 20'
Drive Aisle Width	n/a	11'	12'	12'	15'	12'/20'	12'/25'	12'/24'	14'/24'	10'/21'	12'/20'
Other Regulations	n/a	13'	n/a	22'	n/a	n/a	n/a	n/a	n/a	26'-34'	n/a

As the table shows, there are currently regulations in Nashua dictating setbacks from signs and signals, driveways, intersections, and fire hydrants. Article XII of the Nashua Code of Ordinances also carries multiple sections (320-61, 320-62, 320-64, 320-69, 320-70) which dictate where parking may or may not

occur under a variety of conditions and along a host of roadways. The city's zoning codes defines an acceptable parallel parking space as 9' x 23', which is roughly aligned with the requirements in the other municipalities. DESMAN could not find language defining minimum travel lane widths.

Among the studied communities, most required a minimum 'no parking' set back of 20' from any crosswalk. While Nashua requires a minimum setback of 25' from any sign or signal, the other communities surveyed fixed this distance at between 30' and 50'. Only half of the communities studied has a minimum required setback of between 4' and 5' to either side of a driveway, in contrast to Nashua's requirement of just 2'. Only Ann Arbor and Rochester defined required setback from either side of an alleyway; Manchester has a blanket prohibition for parking in any alley.

Nashua's requirement for 25' from any unregulated intersection was in line, if slightly more conservative than some of the other municipalities studied and setbacks from fire hydrants were generally in line with requirements in the other cities. Several communities carried minimum setbacks of 20' to either side of a driveway servicing a fire station and a probation of curbside parking for a distance of 75' along the curb opposite of the fire station driveway as well as prohibition of curbside parking within 50' of a rail crossing. Concord, NH prohibits on-street parking on any roadway where doing so would reduce the width of the adjacent travel lane to less than 12'; Manchester carries the same requirement in their ordinances.

Minimum widths for parallel parking spaces varied from 8' to 9' and minimum lengths for the stalls varied from 20' up to 25'. Code for the other communities mandated required travel lane widths of between 10' and 15' per lane; in some cases, these requirements depended on whether the roadway was one-way or two-ways. Concord, NH requires a fixed width of 15' per lane, which would require 30' in total width for a two-way road with no curbside parking; a two-way road way with parallel parking on both sides must be at least 48' in width. Manchester requires 12' of width for a one-way road, but only 20' of width for a two-way road, implying that the two-way street encompasses two 10' travel lanes. Portsmouth requires at least 14' in width for single direction roadways or 24' for two-way roads. In many of these cases, the width of the one-way roadway is less influenced by the dynamics of vehicles pulling in and out of curbside spaces than the lateral space required to ensure safe efficient passage of municipal safety and service vehicles.

Other regulations noted included the following:

- In Albany, NY, the minimum width per travel lane is 11' unless the roadway must also accommodate bicycle traffic, at which point the mandated minimum travel lane width is increased to 13' per lane.
- In Concord, NC on-street parking is not allowed on any street where doing so would reduce the clear travel distance between curbs to less than 22' along a public street or 10' along an alleyway.
- In Meridian, ID, on-street parking is prohibited for vehicles of 12,000 lbs. or more GVWR. In addition, no trailer or mobile home may be parked on a public street for longer than 72 consecutive hours.
- In Portland, ME, unless otherwise posted, no individual may park in front of any business for longer than one hour between 9:00 AM and 5:00 PM, Monday through Saturday with the exception of state and federal holidays.
- In Rochester, MN curbside parking is not allowed on any one-way street of less than 28' feet in total width (curb-to-curb) or any two-way street of less than 26' feet in width. On one-way streets

of less than 34' and two-way streets of less than 30', on-street parking is only allowed along one curb face.

## **ESTABLISHMENT OF PARKING PERMIT PROGRAMS**

Parking permit programs, especially RPP programs, are generally established following one of two methodologies.

In many cases, City staff study the issue at the direction of community or municipal leaders for a particular area, zone or neighborhood. The impetus for this program of study may come from the citizenry who are upset about increasing competition for curbside parking in their area or increasing traffic congestion, parking enforcement officers reporting heightened issues with the management of existing rules or regulations, or community organizers concerned about trends in local parking behavior or the possible impact of an impending development.

Whatever the source of concern, it is typically communicated up to the representative for that particular area, who brings it to the municipality's legislative body or executive, who will in turn instruct some member(s) of city staff to assess the issue and return with a report and recommendations. The city staff may undertake the study themselves or contract with a subject matter specialist. Either way, the results of the study will commonly define the scope and scale of the issue, recommend geographic boundaries for a proposed permit program as well as rules and regulations, and describe how the program should be administered. This information is present in open public session, allowing for potentially impacted citizens to comment. A final program, incorporating these comments, is prepared and submitted to the legislative body for the community for ratification. This appears to be the process employed in Albany (NY), Concord (NH), Manchester (NH), and Portland (ME).

The other methodology allows for citizens to petition for the establishment of a parking permit area. This is the approach employed in Ann Arbor (MI), Portsmouth (NH), and Rochester (MN) for creating RPP zones. In each instance, a member of the neighborhood or district organizes a campaign to establish a parking permit program in their area. The boundaries of the proposed program are defined in collaboration with city staff, but it is up to members of that neighborhood to circulate and present a petition indicating the majority of impacted constituents within the proposed zone are in favor of the program. The percentage defining a majority varies from municipality to municipality; in Ann Arbor it is 60% or more of all impacted residents; in Portsmouth and Rochester (MN), the standard was 75% of all households within the proposed district. If the organizer can prove majority consent, the issue advances.

Once majority consent is established, a representative of municipal government will be charged with studying the proposal and preparing a recommended program. This representative may be a City staff member from Parking, Transportation, Planning, Engineering and/or the Public Works; members of an official committee, board, or other legislative body addressing issues of parking or transportation within the municipality; or an outside subject matter expert. This individual or body may work independently or in collaboration with members of the community petitioning for recognition. The outcome of this work process is recommended program with defines the following, at minimum:

- The physical boundaries of the proposed permit area;
- Rules, regulations, and criteria regarding who may apply for a permit;
- Rules and regulations for awarding a permit, including how permits are to be distributed among constituents;

- Rules and regulations for addressing visitor/contractor/commercial parking needs in the area;
- Hours that the program is to be in effect and logic supporting those hours;
- Recommended penalties for violating program rules and regulations;
- Fees (if any) associated with the program;
- The method for addressing the cost of implementation, administration, and enforcement;
- Designation of implementation, administration, and enforcement duties within the City.

These recommendations may be presented to the petitioners in advance for review or submitted to them in tandem with presentation to the community's legislative body. If the later occurs, there is typically a period for public review and comment prior to the issue advancing for ratification.

## **RECOMMENDATIONS FOR NASHUA**

DESMAN believes there is significant appetite in some wards and neighborhoods for a change in the overnight parking policy, but not enough support for a wholesale dismantling of the current policy in place. As such, we do not recommend simple abolishment of the current prohibition on overnight parking across the City of Nashua.

### Core Rules

Instead, DESMAN recommends the City of Nashua adopt a program which will allow citizens to request designation of areas impacted within the city as parking permit zones. Within these zones, if established and ratified following due process, permit holders would be able to park on public streets overnight without censure provided they:

1. Follow rules and regulations established for the program, including parking only in designated areas.
2. Renew their permits annually and agree to update their vehicle and contact information at any time in which either changes within forty-eight (48) hours of the change.
3. Abide by parking rules and regulations governing curbside spaces when in effect. This means if the parking spaces within a permit zone are subject to metering during standard business hours, permit holders must pay the meter fee. Similarly, time limits established to ensure turnover in commercial or mixed districts are valid during hours of enforcement for permit holders without exception.
4. Remove their vehicle from the street during the dates and times designated for trash collection on that particular street, without exception. This applies to both sides of the roadway.
5. Remove their vehicle from all roadways for periodic snow emergencies, snow removal and street maintenance, without exception.

### Application for Consideration

Citizens would have the right to submit a request for establishment of a parking permit program area. This request would include a narrative describing: why those citizens are requesting establishment of the program; the proposed boundaries of the program area<sup>1</sup>; the objectives of the program; an inventory of

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<sup>1</sup> As a general practice, a proposed permit area should not exceed three contiguous blocks in length or width, making for a maximum potential permit area of not more than nine square blocks. In DESMAN's experience, this represents the maximum reasonable walking distance between parking and destination for a community of Nashua's size and scale.

the addresses of all homes, businesses, and institutions within the boundaries of the proposed program area; and a petition indicating at least two-thirds (67%) of all households within the proposed program area support the initiative<sup>2</sup>. This application should also include the names and contact information for at least three citizens living within the proposed program area which will constitute representation for the application in all matters dealing with the City. This group of individuals will be hereafter referenced as the *Citizen's Council*. This request would be submitted to Economic Development for further study.

### Capacity Testing

A representative of Nashua Economic Development would work in tandem with the City Engineer's office to assess the potential program area. Specifically, City staff would consider the dimensions of all public roadways within the proposed program area and estimate parking capacity across the area under the following restrictions:

1. Parking lanes along curbs must be at least 8' in width, abutting a travel lane of not less than 12' in width. One-way streets with parking along on curb must be 20' or greater width. One-way streets with parking along both curbs must be a minimum of 28' in width. Two-way streets with parking along one curb must be at least 32' in width. Two-way streets with parking along both curbs must be at least 40' in width.
2. For the purposes of estimating capacity, City staff should assume each contiguous, uninterrupted 20' length of roadway can accommodate a single vehicle.
3. In measuring contiguous, uninterrupted curb space City staff should assume the following minimum setbacks for various structures:
  - a. There shall be no parking within 15' of a fire hydrant.
  - b. There shall be no parking within 25' of any crosswalk or stop sign along any curb face. For crosswalks, the measure shall be taken from the edge of the crosswalk closest to the middle of the block face. For stop signs, the measure shall be taken from the sign along the curb where the sign is installed and from the place the sign would be if installed on the opposite curb as measured from the nearest curb of the cross street.
  - c. There shall be no parking within 25' of any stop line associated with a traffic signal. If no stop line is marked, curbside parking should be prohibited within 35' of the curb of the nearest cross street.
  - d. There shall be no parking within 35' of any unregulated intersection of public roadway as measured from the curb of the nearest cross street.
  - e. There shall be no parking within 3' of the curb cut for any private driveway or alleyway.
  - f. There shall be no parking within 20' of the curb cut for any fire station or other emergency services building.
  - g. There shall be no parking along the curb for a distance of 75' opposite the driveway to any fire station or emergency services building. This distance shall be measured from the center of the driveway to 37.5' in either direction when possible.

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<sup>2</sup> Note that this standard asks only that 67% or more of all households within the proposed program area 'support' the initiative and does not obligate all those households signing the petition to actively participate in a program, if established. Additionally, 'support' in this case may be defined as an absence of any objections to the creation of parking permit zone.

4. Based on the preceding specifications, City staff will estimate the parking capacity within the proposed program area.
5. Based on the preceding specifications, City staff will prepare a drawing to scale defining allowable parking areas and no parking areas across the proposed program area.

In a public meeting, City staff will present the results of their study to one or more representatives of citizens petitioning for establishment of the program.

#### Quantification Testing

The Citizen's Council will estimate the number of potential program participants within the proposed program area through a second petition process which will ask each household supporting the establishment of a parking permit zone to identify 1) the total number of vehicles in each household, 2) the number of vehicles which can be parked on their property in legitimate off-street parking spaces,<sup>3</sup> and 3) the number of vehicles they propose to park on public streets overnight. The latter figure will be considered an *estimate of potential participation* and will be submitted to the City in writing along with the supporting petition.

City staff will compare the estimate of potential participation to the calculated parking capacity within the proposed permit zone and produce a ratio of requested permits to allowable capacity. If the ratio is less than one (1) requested permit per available parking space, City staff will calculate the ratio of legitimate parking spaces per total households<sup>4</sup> within the program area. City staff will issue a technical memorandum indicating the surplus in parking capacity for the program area relative to the estimate of potential participation and establishing the maximum ratio of parking permits per household to the nearest whole number, rounding down for any fraction less than .85<sup>5</sup>. This technical memorandum should be issued back to the Citizen's Council, who will be responsible for informing their constituents of the findings. At the City's discretion, the Board of Alderman may request a second petition be executed by the Citizen's Council confirming at least two-thirds majority still support the application in light of these calculations.

If the ratio is more than one (1) requested permit per available parking space within the proposed program area, City staff will calculate two ratios:

- a. The ratio of the number of available parking spaces within the proposed program area to the **number of households expressing interest** in acquiring a permit. This ratio should be rounded to the nearest whole number, rounding downward for any ratio less than .85 spaces per household.

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<sup>3</sup> This first two figures will enable the City and Board of Alderman to quickly discern if the requested application is a convenience or a necessity when evaluating the application.

<sup>4</sup> This ratio is critical because it establishes the maximum number of permits which can be purchased per household within a program area should interest in participating in the program grow in the future after the zone is formally established. As a general rule, each single-family home should be considered one household, while multi-family residential buildings should be considered one household per unit.

<sup>5</sup> While parking capacity will be measured according to an assumed 20' per length of contiguous, uninterrupted curb space, the recommendation is to establish areas of allowable parking on city streets according to zones, rather than individual spaces. In practice, DESMAN has found that motivated citizens may be able to park vehicles with greater efficiency in an undefined space according to the vehicle's dimensions, to a degree. Rounding up to the next whole number on fractions of .86 or higher when calculating allowable permits per household recognizes and allows for this practice.



This ratio will establish the maximum number of permits which can be issued per household *in the inaugural year of the program*<sup>6</sup>.

- b. The ratio of the number of available parking spaces within the proposed program area to the number of **total households within the proposed program area**. This ratio should be rounded to the nearest whole number, rounding downward for any ratio less than .85 spaces per household. This ratio will establish the *absolute maximum number of permits per household* which can be issued in any year.

City staff will issue a technical memorandum documenting these calculations to the Citizen's Council, who will be responsible for informing their constituents of the findings. At the City's discretion, the Board of Alderman may request a second petition be executed by the Citizen's Council confirming at least two-thirds majority still support the application in light of these calculations.

#### Rate Setting for Parking Permits

Should the petitioning citizens still wish to proceed, City staff will prepare a technical report detailing their findings, including the estimated capacity within the proposed program area, any other parking regulations impacting on-street parking within the area currently in effect, the estimated demand for the program, and calculated allocation of permits per household. In addition, City staff will prepare an estimate of cost for marking allowable parking lanes<sup>7</sup> within the proposed parking area, posting signs<sup>8</sup> on each block face indicating the establishment of a parking permit area and the hours of effect, and administering the program as estimated by the City's Parking Manager. This last cost item program administration, may include:

- Costs associated in automating portions of the program where appropriate. As a best practice, many municipalities automate certain tasks, such as preparing an application for a permit and uploading qualifying documents. In some instances, this may require acquisition of software to support this. Automating these processes allows the municipal staff to process, approve, or deny applications as their work schedule allows, rather than requiring the staffing of a customer service center during prescribed hours solely for these tasks. Communication between constituents and municipal staff can be affected through email, which creates a record of communications between parties, assuring for transparency.
- Costs associated with increasing staffing to handle the processing of applications and renewals. Even with the automation of certain processes, the addition time and effort required to manage these programs can overwhelm an already small and highly utilized staff. The addition of clerks,

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<sup>6</sup> In permit zones where potential demand for overnight parking exceeds capacity, but not all households in the zone wish to acquire a permit, the Board of Alderman may require the Citizen's Council to perform annual petitions to determine the number of households wishing to participate in the program for the coming fiscal year. In these instances, the Citizen's Council will need to submit completed petitions to Nashua Economic Development no later than sixty (60) days before the end of the current fiscal year to allow the City to determine the appropriate number of permits per participating household which may be sold at the start of the next fiscal year.

<sup>7</sup> Where possible, DESMAN recommends marking out lanes of allowable parking area along each block face, rather than individual stalls. In practice, this allows permit holders to maximize available allowable curbside space according to the dimensions of their vehicle, rather than the prescribed dimensions of the 85<sup>th</sup> percentile design vehicle. Of course, this can only be done if the area is not already subject to stall markings to support metering or other programs, in which case the existing pavement markings take precedent.

<sup>8</sup> All signs and pavement markings must be compliant with MUCTD and/or local regulations.

as necessary, to support the program and assist with related tasks should be considered and factored into any cost estimate.

- Costs associated with increasing staffing to handle expanded enforcement duties. Any change in regulation will impact the effectiveness of existing enforcement personnel. Even though they may be traversing the same physical distance prior to a change in policy, the change may result in addition time and labor to inspect parked vehicles more closely in an area previously subject to less regulation. This may mandate an increase in the number of enforcement personnel to assure compliance with the new policies.

This will be added to application, which will then be presented to the Board of Alderman for consideration and ratification. The cost to implement the program, divided by the number of program participants which can be accommodated within the allowable capacity of the zone, will be the annual cost of each parking permit. Revenues from permit sales will cover the cost of implementing the program in the first year of establishment and subsidizing on-going maintenance of curbside spaces in the zone (i.e., roadway repairs or improvements, snow removal, street sweeping, parking enforcement, etc.) thereafter.

#### Application for Recognition

To summarize, the final application to be submitted to the Board of Alderman for ratification and implementation will include the following:

- a. A narrative describing why those citizens are requesting establishment of the program.
- b. A map showing the proposed boundaries of the program area.
- c. The objectives of the program.
- d. An inventory of the addresses of all homes, businesses, and institutions within the boundaries of the proposed program area.
- e. A petition indicating at least two-thirds (67%) of all constituents within the proposed program area support the initiative.
- f. An estimate of parking capacity within the proposed program area with a map indicating where curbside parking is allowable given roadway dimensions and required setbacks as determined by City staff.
- g. A description of any existing parking policies in effect for on-street parking within the proposed program zone.
- h. The calculated number of permits for sale and permits per household for the program area, along with any supporting documentation demonstrating public acceptance of these limits.
- i. An estimate of costs to establish the program and pro-rated cost per permit.
- j. Based on the preceding and estimates provided by the Parking Department to administer the program, a recommend cost per permit.

#### Ratification and Implementation

The Board of Alderman will review the application and include a public hearing on the matter as part of their next available meeting agenda. Representatives of the constituents petitioning for the permit program will be present to answer questions during this hearing, as will City staff who are reviewing the application and calculated capacity and costs. The Board of Alderman will allow a reasonable period during the hearing for public comment. If the application is complete and largely supported, the Board of Alderman will ratify the application as presented by a simple majority vote.

### Recourse for Denied Applications

If the application is incomplete or there is significant opposition from constituents living and/or doing business within the program area, the Board of Alderman may, at its discretion request the petitioner to revise the application and resubmit it for consideration. Revised applications may only be submitted once and must be submitted within sixty (60) calendar days to be considered for ratification.

Alternately, the Board of Alderman may, at its discretion, deny the application if it is found grossly incomplete and/or subject to opposition which, in the sole judgement of the Board of Alderman, exceeds support within the community contained within the proposed program area. Votes to deny the application will be carried by a simple majority. If the application is denied, citizens residing within the proposed program area may not reapply for a period of not less than twenty-four (24) months from the date of the denial.

### Action for Existing Parking Permit Areas

The current permit program for overnight parking in effect in Nashua will remain as it exists until such time as 1) an application is approved which encompasses one or more streets and/or addresses named under the current ordinance or 2) a maximum of thirty-six months from the date the Board of Alderman votes to change or amend the current ordinances pertaining to permitted overnight park to accommodate adoption of some or all of the recommendations included within this report.

Should an area currently covered under the existing regulations be absorbed into a newly ratified parking permit zone, those streets and/or addresses will be stricken from the existing ordinance and incorporated into the newly approved program. If an application should fail, the existing program will remain in effect.

After thirty-six months, any areas covered under the existing regulations as approved overnight parking permit zones should be subject to amendment of the existing regulations which recognizes the following:

- A. Core Rules as presented earlier in this report;
- B. The Capacity Testing process as presented earlier in this report and the legal capacity of currently established areas in the city under those standards;
- C. The Quantification Testing<sup>9</sup> process as presented earlier in this report and the allowable number of permits per household for currently established areas in the city under those standards;
- D. The Rate Setting process as presented earlier in this report and the assessed cost per issued permit for currently established areas in the city under those standards.

It should be noted that this process may reduce or eliminate some existing on-street parking areas where overnight parking is currently allowed, may reduce the number of permits issued under existing regulations, and will introduce a cost per permit to existing program participants. These impacts, while inconvenient for the individuals who have enjoyed the existing program previously, will be necessary to

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<sup>9</sup> The tasks normally managed by a Citizen's Council will need to be conducted by Nashua Economic Development staff (i.e., determining the number of permits requested and/or households wishing to purchase a permit, informing existing program participants of the allowable number of permits per household which may be issued for the coming fiscal year, communicating cost per permit for the coming fiscal year, etc.)

maintain equity and fairness between newly created program areas established through the proposed process and pre-existing areas established under current regulations.

### Recertification

Every zone established under the proposed program will be subject to a recertification requirement every five (5) years once established, which will require creation and/or resurrection of a Citizen's Council to conduct a petition affirming that at least two-thirds of every household within the defined zone support the continuation of the program. Citizen's living in zones which fail recertification may submit an application to create a smaller or redefined program following the procedures described in this document.

### Revocation

The Board of Alderman may, at their discretion, temporarily suspend ratification of an implemented parking permit zone with at least thirty (30) days prior notice to program participants to address infrastructure issues or safety conditions.

The Board of Alderman may permanently revoke their ratification of an implemented parking permit zone at any time when continued maintenance of the program demonstrates:

- 1) A clear and present danger<sup>10</sup> to the citizens living within the zone, first responders travelling into or through the zone, or City staff performing necessary work within the zone;
- 2) Roadway dimensions within the zone are modified in such a manner that the legal parking capacity within the zone fall below 80% of the initial calculated capacity;
- 3) A petition<sup>11</sup> indicating that 50% or more of the households within the zone have come to actively oppose the program.

If the Board of Alderman vote to revoke their ratification, another program in the same zone may not be applied for a period of three (3) calendar years from the date of revocation. However, citizens may organize and file an application for a smaller zone or zone with revised boundaries following the procedure described herein at any time following the revocation. Permit holders in a revoked zone may have their fees refunded on a pro-rated basis for the balance of the remaining fiscal year.

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<sup>10</sup> A 'clear and present danger' may include a record of consistent violations of on-street parking regulations within the zone, even if these violations represent just a breach of policy rather than a life-safety issue.

<sup>11</sup> A petition to revoke an established zone may not be submitted within the first twenty-four (24) months after the zone is officially ratified.