

PLANNING & ECONOMIC DEVELOPMENT COMMITTEE

NOVEMBER 1, 2016

A meeting of the Planning and Economic Development Committee was held on Tuesday, November 1, 2016, at 7:05 p.m. in the Aldermanic Chamber.

Alderwoman Mary Ann Melizzi-Golja, Chair, presided.

Members of Committee present: Alderman-at-Large Daniel T. Moriarty, Vice Chair
 Alderman-at-Large Brian S. McCarthy
 Alderman Tom Lopez
 Alderman Benjamin M. Clemons

Also in Attendance: Alderman Richard A. Dowd
 Mr. Tim Cummings, Director, Economic Development
 Ms. Sarah Marchant, Director, Community Development
 Mr. James Vayo, Downtown Specialist & OED Program Coordinator

PUBLIC COMMENT

Mr. Thomas Prieto, 41 Raymond Street

I am here to represent my son, James, who is proposing an elderly project so therefore he has a vested interest in this proposed elderly housing ordinance change. I understand that this is not the public hearing but I do want to touch upon a few high level items. I would like to show you a picture. My first question is that this ordinance is being proposed as a clarification of the elderly housing supplemental use regulations and I would like to know what the difference is between a clarification and an amendment? It's unfair to me as to the intent of calling an amendment a clarification or if there is a separate category called a clarification. I also have a concern. The Planning Board is scheduled to hear public comments on Thursday and yet there is no notice other than what is on the website and that was maybe 24 hours or so. How is anyone from the public going to know to go to the Planning Board and make comments at a public hearing to give this committee their input? It seems to me that there should be some type of notice.

Alderman McCarthy

The referral to the Planning Board will be taken up by the Board to give its comments. The hearing is being held in front of this committee at a later date that was noticed separately.

Mr. Preto

On the November 1st meeting notice they called for a hearing so there was a public hearing before the Planning Board on November 3rd.

Alderman McCarthy

But that is basically the Planning Board giving this committee their feedback as the Planning Board; it's not the public input session. There is a separate hearing scheduled before this committee.

Mr. Preto

There is no public hearing before the Planning Board to discuss this ordinance change?

President McCarthy

I don't believe that they take comments on the referrals that are given to them. You might be able to give them but they are not scheduled like the cases are.

Mr. Preto

Thank you for that because I was unclear as to what that meant. The other issue is in the proposed clarification of the elderly housing supplemental use regulations; on the final page it says no fiscal impact. Who makes that decision that there is no fiscal impact? I know in my son's case that the current property taxes is \$7,000 and post development it would be about \$120,000. That only is a fiscal impact of about 15 times what is presently collected by the City of Nashua and this is an elderly housing project like many condominium associations don't have the full range of city services nor do they have any impact to the school system so with that in mind that is a positive fiscal impact to have elderly housing that is going to be, I believe, diminished by this clarification ordinance and therefore, there are other elderly housing projects also that are being proposed and they would also be a loss to the City of Nashua so I am unclear how the methodology came about to determine that there was no fiscal impact and who did it. I would think that the city should order a fiscal impact study so that we can get authoritative information as to what is being proposed. I would also like to bring to your attention that it should be a determination in any proposed ordinance change and in this it's called a clarification but I think it may in fact be an amendment, as to what the purpose is for an amendment or in this case, a clarification. Is the purpose to diminish elderly housing which seems to be the intent of this ordinance or is it the intention to promote elderly housing. Obviously in the master plan and in the ordinance itself it clearly states that Nashua needs more elderly housing and that the purpose of the ordinance is to encourage elderly housing. On page 2 it clearly states what the purpose of the ordinance is and I would like this committee to understand the impacts of whether or not this ordinance promotes or diminishes elderly housing. Finally, what is counter-intuitive but not discussed is when you have an elderly housing situation that becomes available, which there are none really in the market place today that is usually someone from Nashua that is downsizing. My 3-bedroom house, I argued for 20 years to have my children make their beds and now I have a bedroom that I haven't walked into in six months. It's at a point where it's time to consider...but where would I move to? It may not be appropriate for many of us to live in subsidized housing or any of those types of housing options because we wouldn't qualify and we would like to be in a market rate environment. That market rate environment would also offer us services as defined in the elderly care ordinance. To my end the thinking is that when you have a family home and you want to downsize there are very few options in Nashua to do that so you don't downsize. When you do decide to downsize if you check with any realtor in the city they will tell you in many parts of the city within 72 hours, homes between \$300,000 and \$350,000 are gone in less than a week and when those are sold because someone is downsizing because they are moving into one of these types of elderly facilities it opens up a family home to younger families that Nashua desperately needs. When you look at the big impact, you should understand that in the State of New Hampshire there are 20,000 less high school students than there were 15 years ago, they are evaporating and we need to promote family housing. Here's a perfect storm scenario where someone can move into an elderly housing project that is 1,000 square feet with two bedrooms and two baths and it opens up a family home with people who want to grow into the community and I think that's a good public policy and I think this ordinance has to be examined to determine whether in fact it promotes this good public policy. I want to understand what is the optimal percentage of elderly housing that you should have in the city. I know what the master plan says but does anyone here know? I think that should be investigated and determined if Nashua is hitting those targets. All of my indications are that they are not hitting those targets because there is a lot of demand for this housing. At the very least you have terrific outcomes if there is a family or a couple that want to downsize and stay in Nashua; I've been here over 55 years. I very much promoted that my children, after they went around the country to come home to Nashua and invest in Nashua. My son has taken me up on that challenge to invest in Nashua and I would like to see not only as a father but as a Nashua citizen and someone who intends to stay here for the rest of my life, I'd to see the double benefit of opening up housing for young people and provide downsized housing to senior citizens or the elderly, I don't like either of those but I do think this would be a great opportunity to enhance elderly housing and not to diminish it.

Attorney Brad Westgate, Weiner and Bennett, LLP.

I am here representing Stinson Properties, LLC; Randy Trumel is the principle of that company and is here tonight also to speak on the proposed ordinance on the clarification of the elderly housing ordinance. I thought it would be of some value to give the committee my insight into this proposed ordinance from the significant experience I have had in this field representing various developers who have built 55 and over communities not only in Nashua but in Merrimack, Litchfield, Hudson, Pelham and Amherst. This proposed ordinance has a significant impact on the existing elderly housing ordinance. It makes a substantial change and I think an adverse one. Ultimately I would urge the committee to not vote to recommend that it be adopted by the full Board. The first and foremost problem with the ordinance is, and it requires significant thought and reading of the ordinance in detail and in its entirety to start to absorb these meanings. In effect what it does is it eliminates the possibility of having single family and duplex dwellings as 55 and over housing stock. Under the present ordinance there have been at least two projects approved in the city that are of that type that have single family units in duplex or multi-family units that aren't congregate care living, that aren't assisted living and not nursing homes but they are regular houses, many of them being single type family homes. Mr. Turmel's company, Stinson Park Associates, LLC developed a community just like this, a small project on Pine Hill Road that has essentially sold out. The change in the ordinance that has this effect is on the paragraph that leads into the seven examples under table 42-1 and it's a subtle change but an incredibly significant change. It changes the lead in paragraph from "examples of principle uses or structures that constitute elderly housing include to be, principle uses or structures that constitute elderly housing are" so it took examples and now made them exclusive. Once those examples become the exclusive and the only possibility the ordinance is going to be interpreted to the effect that a single family home or a duplex home can't constitute the approvable housing stock under the ordinance. That contradicts a lot of things. It self-contradictory to the elderly housing provision number one and it also contradicts the table of principle uses in the land use code. If you go to the table of principle uses under the residential section you will notice two different elderly housing permitted uses. One is elderly housing single family dwelling and another is elderly housing without that specification. If you change this ordinance, 190-42, to effectively eliminate single family homes as a possible type of house and duplexes as well you still have in the table of uses that very permitted use and no thought has been given to integrating the two. It doesn't make sense to take out the single family home possibility and the duplex possibility when their very permitted uses are already allowed in the table of permitted uses. A few word changes have a big impact and can't be analyzed just in a vacuum, they have to be analyzed in the context of the entire land/use code and specifically in the context of section 190-42 itself. A second fundamental difference that results from this change is the contradiction that this ordinance has with the statute RSA:354-A15 that allows for elderly housing 55 and 62 and older to begin with. Section 190-42, the elderly housing ordinance has numerous references to that statute. It talks often in terms of promoting elderly housing and various options in the type of housing that would be allowed and encouraging the development of that referencing the state statute that allows 55 and 62 plus housing but in eliminating the single family option and the duplex option you run afoul of the point and the purposes of RSA:354:A15 to begin with which is to promote a broad sense of 55 and 62 and older housing options and not just institutional options. Another way in which the proposed changes contradicts the state enabling statute deals with the distinction between 55 plus and 62 plus. Again, this is detailed analysis that you don't see unless you focus and concentrate very carefully on the language of the proposed amendment as well as the statute and reflect on the existing provisions in the land/use code. Under the state statute elderly housing or housing for older persons which is really the term that the state statute uses. That is that it is designated solely for people 62 and older and does not have to have the significant facilities and services package that the 55 and older provisions do so it's counter-intuitive and I thought it was odd the first time I read this 20 years ago. The idea is this, if I am 62 or older my property, my community will qualify for elderly housing status even though I don't provide the facilities and services package that used to be part of the state regulations, however if I am 55 or older and I designate my community that way I must provide the significant facilities and services. The proposed ordinance is imposing that set of significant facilities and services, a list of about twelve alternatives I believe on page 5 of the proposal. What's happening is that the ordinance is not distinguishing between 62+ and 55+; in effect what it is saying is whether you do a 62+ community or a 55+ community you must provide the significant facilities and services and that contradicts the state law. The state law doesn't require that but the ordinance will The

ordinance, rather than encouraging and promoting elderly housing in a broad scope of alternative housing stock is actually discouraging it because it's even more restrictive than the state statute in terms of the services that have to be provided by the community, not to mention the notion that the changes will eliminate the single family home and duplex options. The trade off in effect when the ordinance was adopted was the 1,000 square foot maximum for a unit was in exchange for increased density. The density permitted a number of units per acre for an elderly housing community is greater than the underlying density in the particular residential district. If I am a developer I can put more units per acre of elderly housing than I can a regular single family non-age restricted but my elderly housing unit is only going to be 1,000 square feet. Obviously if a developer is faced with an ordinance that says you can have elderly units that are 1,000 square feet or non-age restriction of any size and your density is the same there will be no encouraging of the elderly units therefore the density was increased to give the developers an incentive to build that housing stock. If the single family and duplex option is taken away, the whole point of the increased density is taken away, there is a disconnect between the underlying initial purpose of the ordinance by making these changes and it doesn't serve what the purposes of the ordinance were originally. If you go through not only the changes in the ordinance but elsewhere you will see a number of references to single family home possibilities. If a single family home elderly community is still allowed but the list that I mentioned becomes exclusive and not examples only then you are clearly not going to have congregate care facilities that are in a single family setting, it doesn't work that way, you don't build a congregate care facility that is a grouping of single family homes but that's what the point of the 55 and older and 62 and older purposes were. The idea is to have a housing stock that can meet the needs of people who are 55 plus and 62 plus but aren't needing institutional care. If we eliminate that option then you have taken an entire component of the housing market away from the city and it's totally different than all of the communities around us which allow this and that doesn't serve our citizens at all. I will appear at the public hearing but I really do urge the committee to please read not only the changes in this ordinance but the ordinance in its entirety in the context of the land/use code and recognizing the intent of these provisions when they were originally adopted in 2005. Finally I leave the committee with this one thought. Near the very end of the proposed ordinance is the second to last sentence which reads "all ordinances or parts of ordinances inconsistent herewith are hereby repealed." I don't see how any legislation can possibly include such a provision. There is absolutely no guidance to the citizens of the city as to what that means. It would be an interpretation nightmare although some would call it a lawyer's paradise. It's uncertainty that can never be reined in.

Mr. Tim Cummings, Director, Economic Development

We have been working feverishly over the last few months with Renaissance and BIDA and we have brought to fruition the Riverfront Landing Project. The closing will be imminent on that project. I know that this has been a long time coming but essentially what we have is a closing scheduled over the next week or so. There are a few minor details pending but from the city's perspective we have worked through all of the permitting issues and we are ready to go for when SMC, the contractor and Renaissance, the master developer give us word that they have worked through some of their minor building issues. We expect to close this week or at the latest next week for the construction of two multi-family buildings, an amenity building for approximately 152 units.

Alderman Moriarty

Are you talking about the Bridge Street Project?

Mr. Cummings

That's correct.

Alderman Moriarty

Does that mean that the financing has finally come through?

Mr. Cummings

That's correct. I know that has some corollary effect on the conversation tonight so I wanted to make sure that I brought this new development to your attention as it is good news and we are looking forward to actually signing the documents.

PRESENTATIONS

Nashua's Riverfronts: Issues and Opportunities with Gene Porter, Chair of the Lower Merrimack River Local Advisory Committee

Mr. Porter

I have spent the last several years involved in many waterfront activities and waterway activities including being a member of the Waterway's Committee and I am on the State Chartered Public Waters Access Advisory Board. I have developed some ideas on how the Nashua Waterfront can be leveraged to improve Nashua's economic situation and I want to try those ideas out on this committee. This is a work in progress and feedback is welcome.

This is a picture of the Merrimack River which is about 500 feet wide and is perfect for water skiing, fishing and swimming, mostly happening in Massachusetts because there is very little access to this river in New Hampshire. The local advisory committee is under RSA:483 and there are 14 designated rivers in the State of New Hampshire shown on this chart. The Merrimack River runs through Nashua, Hudson, Merrimack and Litchfield. There are other designated rivers that were designated both by the communities and by the state for special attention. Our special attention is in two forms. One is reviewing every project that comes along within a ¼ mile of the riverfront and we are primarily looking at drainage. We are trying to protect the river from improper development and drainage plans. Whenever a project comes along we have a formal review of the plans. We are a Board of six volunteers and we need public support and the way to get that for protecting rivers is you get the public access and you get the public to love the rivers and that's been a problem in this area. Many small cities in New England are investing in their riverfronts. To get the public support you need to have primarily riverside trails, bike trails, rail trails and pedestrian things along the river is what ties everything together. Boat ramps and swimming add to the attractions. In our area as there is everywhere there is obstructions and contaminations that one has to deal with before you develop a master plan for waterfront development that will enhance the local economy. I am not a planner but we have professional planners on the city staff who do wonderful things and the next time the master plan is updated this structure I hope will be considered to be included. In North America there is a whole community of waterfront development experts who have developed some principles for riverfront development and this is what they look like. I summarize them as riverside trails. Every project that I have seen is tied together with some kind of a riverfront, bike trail or river walk. Bangor, ME has projects underway as does Bath, ME which has a major residential development. This is not unique to the Nashua area. People once took an urban drainage ditch in San Antonio and made it into a multi-million dollar tourist attraction.

This is the concept. If you accept the idea that you need trails to connect the riverfronts to the people then this is what it could look like here. This is the Merrimack and Nashua rivers. The key here is this Renaissance development and getting it tied into downtown. If one had a really good bike path or pedestrian path down there you wouldn't have to have nearly as much traffic coming out of this new development onto these roads. Is this the correct route for such a path, I have no idea but this is one way this could be developed. Looking at the land between the end of the existing river walk which is at the public library, there is some developable land. This is owned by the utility company and this land down here is owned by the city as is the levy and the rail yard and most of this land down here is owned by the railroad. You would have to buy easements to get a trail and you have to invest in land acquisition if you are going to have a major development in this area but there is quite a bit of potential in this part of Nashua and particularly tying this big, new housing project which we love in part because the levy keeps all of the drainage away from river. The redevelopment is well along

the Nashua River, Clocktower Place, Jackson Falls Condo's, the Cotton Mill, the Crest Gate installation which has lowered the flood plain above the Jackson Falls Dam such that there is more developable land upstream now than there used to be. Further upstream Mine Falls Park has reasonable access either existing or coming along to this middle section of the Nashua River. There is a kayak launch stairs right here at the Greeley House, there is a non-motorized boat access to the Mill Pond at Stellos Stadium and the Mill Pond has access to this wonderful 3-mile long power canal which is unique in North America for having been preserved as well as it is. The Community Development folks are talking about a kayak access facility here on the canal at Ledge Street but I'm not sure where that stands. They have, in fact, improved the public access down here in the Millyard at the gravel ramp that exists. There is reasonable room for more development. Mine Falls Park is a great asset. Some of us have talked about having skating on the power canal. This is the ramp down at the Millyard which is what I use with my small antique motor boats. The Nashua River is too narrow for high speed boats in the middle section. The upper section above Mine Falls Dam which is here, all the way up to Runnell's Bridge is a beautiful body of water which is largely unobstructed except for some of the trees that fall in. You can only go at high speed down here by Mine Falls where the river is wide enough. The city has put a very good concrete launch ramp at Stellos Stadium and there's an old ramp over on the other side of the river on Winchester Street I think. There is reasonable access on the Nashua River. The Merrimack River is largely unknown. I talk to people that drive across the Taylor Falls Bridge every day that don't know they are crossing the Merrimack River. Part of that is that there is so little access to the river. There are no trails along the river. In my view the easiest way to put in a trail would be across the old railroad bridge either with a fence along the live track or use this old bridge here. It's cheaper than building a new bridge across the Nashua River if you want to put in a trail to Thoreau's Landing. Thoreau's Landing already has a public access easement for this full length of the development, almost up to Greeley Park. It's not marked or developed or paved but the city has access to a possible path upstream from the Nashua River. We'd have to acquire a couple of right-of-ways across a couple of private properties and then you are in Greeley Park. South of the Nashua River the city already owns pieces of land along here and it has public access across the land that is owned by the rowing club. The railroad obviously puts serious constraints on the ability to develop housing or businesses along the Merrimack River, not that the tracks can't be moved but the general belief is that the railroad is where the railroad and it's not going to move. Now we have all of these commuter rail issues going on so is that going to create more traffic or be abandoned when the power plant stops needing coal. It can have an important impact in the Nashua area on the Merrimack River because of the importance of the railroad. The City of Manchester and the City of Concord have got five or six boat ramps and kayak launch facilities in their second class sections of the Merrimack River, shallow water limited boating. We've got 15 miles of very boat able water from Cromwell Falls at the brewery down to the Pawtucket Dam and we've got old boat ramp in Nashua and that's the one in Greeley Park that the city is now moving on to get some grant money to try to fix that up a little bit. The residents at Riverside Landing could provide at least some kayak access down the base of that levy that the Corp of Engineers told us. This is the ramp at Greeley Park that is deteriorated badly. This is a storm drain and anything that interferes with boat launching so if the city is successful in getting some money for this, both city and grant money and perhaps even state money then they can put in a much safer. There are prospects here for improving this ramp and just down the river and this is where I have to go to launch my good boats in the Merrimack River, I have to go down to Lowell and use a State of Massachusetts boat ramp. We should have a boat ramp like this in New Hampshire along the Merrimack. There is no access in this part of the Merrimack River but if I go 5 miles south into Lowell you have got beaches and international swimming races. If Boston had gotten the Olympics they would have used the Merrimack River as a venue for the rowing competitions. We could be doing a lot more for the residents of Nashua to use this river, that's the basic message. We talk about the opportunities and issues in the north end of town. This is the Beazer East Project and I don't know how much you folks have been told about it but there is 100 acres of very flat, nice riverfront land up there that has been fallow for 30 to 40 years and it's unused because 7 acres of it is contaminated with creosote because the Koppers Corporation used to pressure treat railroad ties there for decades and the creosote got into the sediments and then slipped into the river. At that time to arrest the contamination of the Merrimack River was to put in this sheet pile bulkhead along the waterfront all linked together and then in the upland they drilled a lot of wells and had a lot of pumps to try to separate the creosote from the water. This went on for a couple of decades and it didn't work because it's still seeping into the river when the river is high in the spring. The EPA and the State of NH Environmental Services got together with

the owners, Kopper and now their subsidiary, Beazer East and there was a consent agreement reached to fix the problem and this fix is to install a 30-foot high concrete wall from the bedrock up to the top of the bank. In the past few months it has been poured in a long trench that was dug along this bank. They have cleared all of the trees and shrubs off the banks and they are going to dig up a lot of the contaminated soil and bury it upland and then they will put down some chemicals and absorbent mats and if all goes according to planned we are reasonably optimistic that it will work. Beazer is spending a lot of money on this. They have to come back and replant this bank when it is completed. It should be done in a year. I'm told there is an option to purchase that property and perhaps for residential development but that's contingent upon the completion of this project.

Alderman McCarthy

My understanding when the clean-up was done 15 years ago was that the rest of the site still did not reach a level that was acceptable for residential development and that the only things that could be done there at this point would be basically commercial.

Mr. Porter

It's zoned industrial right now so there are several steps that would have to be taken to get serious about a residential plan. I don't know any of the details but clearly the environmental issues don't magically go away. There's also talk of capping the whole place with 2 feet of clay and making it into ball fields and that sort of thing but the serious contamination is just in the corner by Greeley Park and from the city's point of view because they are not putting a wall along Greeley Park but putting in more wells and some solidification chemicals intended to arrest the migration of the creosote further into Greeley Park and towards the river. We will see.

Alderman McCarthy

Would that clean up that section enough to get an easement along the river?

Mr. Porter

We tried at the ZBA when this remediation project which we loved, when this was getting approved a few months ago we tried to make an easement for a shore side path a condition of approval. My general characterization of the ZBA was that it was private property and the owner didn't want to do that because he would have to re-negotiate his contingent sales contract. The ZBA didn't want to get into a taking situation by mandating an easement when the city would have an opportunity after this project was done to acquire an easement from the current owner or the new owner.

Ms. Marchant

If this is something that interests the committee there have been some massive changes to this property and we would be happy to brief you on those changes if you would like an update.

Mr. Porter

East of the railroad is the Renaissance Project and to the south is the railyard and discussions of commuter train stations and one could envision a lovely commuter train station with riverside walks. The residences at Riverside Landing, it is my understanding the contract that you is about to sign does not include this building because there is some interference with the wastewater treatment facility. These look like 5-story buildings to me and this is a community center but what is missing here is the levy. These buildings are about 20 feet lower than this drawing indicates which is good. This is the architect's description of this project as seen on the web and it says that the site is surrounded by a trail system. The trail system is the top of the levy which the city owns and will continue to own after this contract is signed. The city will have the ability to develop a

trial along the top of that levy and put a kayak path down to the river. We were concerned with what these buildings were going to look like from the river. We don't want a lot of ugly industrial buildings looming over the river. Fortunately all of the trees on the riverside of the levy are going to be left there but the ones on the other side of the levy are all going to be cut down. This was our estimate of where the roofline was likely to be so we did not complain about this project and in fact we are happy to see it but this is what the website shows. It shows very tall buildings and no levy to speak of. The architect may not have visited the site before he made these drawing but this is not our current understanding of what this project is going to look like.

Mr. Cummings.

I wanted to clarify for the record that a program that was described in one of the previous renderings relative to the amenities building being in the rear of this site, it is actually going to be a building that is going to be closer to the front of the site on Bancroft Street and it's more of a smaller commercial program that would be in the rear of this site.

Mr. Porter

It would be nice to have a current description of what the project looks like and my committee would appreciate a copy of a drawing if it exists.

Mr. Cummings.

This is what we have.

Mr. Porter

Tying this project into the downtown with a bike path and trails could have a lot of benefits. South of the Taylor Falls Bridge down to Massachusetts the railroad tracks are quite tight to the river and it's hard to envision much development below the railroad except for one area.in south Nashua just above the Sagamore Bridge where you can see the railroad is well inland and that is essentially undeveloped land and is used now as a scrap metal yard. I know of no plans to develop it. If you go further south into Massachusetts there is the Pawtucket Dam. You can see that Lowell has done a nice job with their riverside parkway that could connect with Nashua at some point in the future. If Nashua wants to pursue this general approach then somebody needs to be in charge. The economic development or community development folks seem logical to me but they need money and they need a master plan that they can use in the zoning and permitting process that shows that shore side trails are part of Nashua's intent. In Burlington, VT, the citizens just voted in a \$9 million bond issue to upgrade their waterfront and part of the argument was that if you improve your waterfront your tax base will go up more than pay for the interest on the bonds. These things take money. I would be more than happy to take questions.

Alderman Clemons

Excuse my skepticism but part of growing up in Nashua; a lot of the reasons why the rivers are inaccessible are because they are filthy. I think the Beazer's is a good example of the reason why that is. A few years when they were doing the Jackson Falls Damn they lowered the river so much people wanted to go in and clean out some of the debris and the EPA said that's fine but you have to hire someone to do it because they don't want citizens going in there and disturbing soil because the sediments that were in there contained chemicals that could be dangerous to your health. When I see that they are swimming in Lowell, MA I shake my head because it's downstream from the Nashua River, the Canal and the Merrimack which are three notoriously polluted rivers. I think it would be a good idea to open it up but I am skeptical as to whether or not the city should be promoting recreation on that.

Mr. Porter

I am really glad that you brought that up and I will send you some information but I can absolutely assure you that the Merrimack River has been, this summer because I am part of the sampling program, clean enough to swim in all except for one or two days this summer and that was after overflows in Manchester after big storms. The rest of the time it met New Hampshire swimming standards which are 3 times more stringent than Massachusetts. The City of Nashua has done a wonderful job in reducing its combined sewer overflows by a factor of 10. The amount of sewerage going into the Merrimack River in 2015 was like 5 million gallons compared to 50 million gallons for the previous years and that's only after big storms like last Friday night. I need to add a couple of charts that dispel this very accurate historic concern about pollution in the rivers. Since the Federal Clean Water Act 30 years ago, billions of dollars have been spent to clean up the water.

Alderman Clemons

I know that the water itself is clean; it's the sediment on the bottom that disturbs me.

Alderman Lopez

I am excited about waterfront access as an amenity for people who live in the city. I am a little concerned about developing plans without input from adjacent neighbors because I don't want to do something for the greater good of Nashua that doesn't consider people who live adjacent to it. I am sure the plan that will be developed will be transparent and public and there will be plenty of ways for neighbors to weigh in.

Chairwoman Melizzi-Golja

We all received an e-mail this afternoon from Director Marchant talking about the downtown waterfront master plan and the city moving forward. In that e-mail she indicated that there had been some internal meetings and she and I had some e-mail exchanges this afternoon making sure that we do get that public input as that plan moves forward.

Ms. Marchant

Specifically to the new initiative of the Mayor's downtown waterfront development plan, downtown master planning process that we are hoping to kick off shortly and this memo was just to alert you to this initiative and ask for your input and help guide a lot of the public participation piece of this. We are hoping to put an RFP out by the end of November for a project consultant to really help with some of the design and image creation. It's really hard to get public feedback without some great images to get people excited or irritated or ready to talk to you so that's the first step. We are also looking to craft a public participation plan because the success of this project is largely dependent upon public input. I think it's really exciting. Also to add a comment about access, based on the Waterways Committee report that Gene was a part of, since the waterways manager was hired last November we have made very significant progress at the railroad crossing at Greeley Park to get to the boat ramp which is key to us getting any grant funding to be able to improve that boat ramp access to the point that we should have a ruling by the end of the month on if it is public or private which is about 9 years in the making. This is a pretty huge step and we are lining grant funding up at the same time.

Alderman Lopez

The development process and the community input element of the Renaissance project worked really well and it created the support that they needed to move forward with their project. A similar model might be something to look at specifically for waterfront development where you encourage regular community stake holders to meet regularly and form their identity as people who are trying to this and then become a pool of support.

Alderman Moriarty

I am a supporter and thank you for a great presentation.

Chairwoman Melizzi-Golja

Mr. Porter, thank you very much. We had another presentation scheduled for this evening and that presenter was unable to be here because he was ill so I also thank you very much for your flexibility and being able to come here on such short notice. It's good to get a refresher especially when the city is looking at a master plan for the downtown waterfront.

Alderman Moriarty

I just remembered when we had that boat cruise of the river you pointed out that along the walls all of the trees that are growing and doing damage and you weren't sure whose jurisdiction that was or what the rules are to get rid of the damaging trees, do we have any more information on that?

Mr. Porter

I am sure Director Marchant and Ms. Mineau will get those sorted out but there are legal issues. Those are wonderful stone retaining walls that should not be allowed to be destroyed by random vegetation.

Ms. Marchant

That is at the top of our list, it is absolutely something that needs to be part of this downtown master planning effort. We are just in the beginning of the fact finding phase of who actually owns those retaining walls and have been in conversation with some of the abutting property owners but we recognize that is a massive outstanding issue and something that we need to get to the bottom of as a part of this process. It is not an easy answer, that's the short answer.

School Street Redevelopment Area with Tim Cummings, Director of Economic Development

Mr. Cummings

Mr. Cummings distributed a memo dated October 2, 2016, regarding School Street Redevelopment Area RFP (R-14-003) – Attached to these minutes.

Back in 2014, the Board of Aldermen passed a resolution essentially authorizing that the administration go forward with an RFP for the development of a mixed use structure on what we refer to as the School Street surface parking lot. I have a draft flyer that more visually articulates what the resolution calls for. One of the items that I am hoping this memo strives to accomplish is one, to make sure it brings to the Board of Aldermen's attention that the Donchess administration is moving this initiative forward. It was under the previous administration and I know there had been some time that lapsed so I was concerned that making sure that the Board of Aldermen was well aware of this initiative moving forward. Secondly, what the memo strives to do is to articulate a process which I am hoping that the Board of Aldermen will participate in. As we move forward with the drafting of the RFP I would love to get any thoughts, comments or concerns that this body may have but ultimately try to get participation. I will be working with the president of the Board to receive two or three members to participate in a small working group to vet out the RFP responses when the time comes. More importantly just to remind everyone that the guiding principles that we would be looking for as we are trying to achieve a proposal with a mixed use structure of at least 4 stories. We will entertain a hotel and also a stand-alone performing arts center as one of the objectives identified in the resolution. This resolution articulates is what we would call an exclusive negotiation opportunity with the city contingent upon the successful development team or developer providing the city with the comfort level that you will receive the type of development that you are looking for; i.e. the concept meets the needs both esthetically and financially we would move forward with a preferred developer agreement.

Alderman McCarthy

This clearly says School Street lot development. I believe the signage that is on the site says High Street parking lot so we probably want to make that consistent.

Mr. Cummings

Alderman McCarthy makes an excellent point and internally we have been struggling with how to identify this opportunity. The High Street parking lot is somewhat confusing because there is actually two surface parking lots off of High Street so I think it would be more appropriate moving forward to reference this as the School Street parking lot.

Alderman McCarthy

What I am saying is that I believe that the lot has signage on it that identifies it as the High Street parking lot.

Mr. Cummings

I'll make sure that we address that moving forward.

Chairwoman Melizzi-Golja

You are talking about the official parking lot signage, right?

Alderman McCarthy

Yes.

Chairwoman Melizzi-Golja

So if you were to look at where you can park in the city it says High Street parking lot.

Alderman McCarthy

I am more concerned with if someone wants to look at the site they may drive off because the wrong sign is there.

Mr. Cummings

Right or look at the other lot because there is another High Street lot. We are very aware of that and we will be addressing it moving forward.

Alderman McCarthy

With regard to the performing arts center we would put that in the resolution when it passed but unfortunately the problem is that we now have much better information on what that performing arts center would look like, which is not tied to the RFP. I'd hate to have someone spend a lot of time developing something that we are not going to support when it gets here because it isn't what the city is looking for.

Mr. Cummings

I concur. I would suggest that the way we would massage this issue is through the working group that we put together. In addition to that I think the private sector market would realize on their own that this would be a...

Alderman McCarthy

I don't think it's a big issue because given that there are no self-sufficient performing arts centers, nobody is going to do that as a for profit project.

Mr. Cummings

That's my sense as well.

Alderman McCarthy

The legislation calls for a comprehensive plan from the end of School Street out to the oval and I'd like to make sure that we make that clear in the RFP.

Mr. Cummings

You will see on the back side of the flyer and what we will encourage through the RFP process is the development team looking at trying to put together a more intense comprehensive program and leverage some of the surrounding land area. We have that thought in the back of our minds and we will strive to work towards that goal, keeping in mind that we will be working with the private sector market.

Alderman Clemons

With regard to the more comprehensive thing, this picture, do the private land owners know about this and are they supportive of it.

Mr. Cummings

Yes, we have spoken to the abutters and ultimately it would be incumbent upon the potential recipient of the RFP to secure, in advance, the opportunity to build on that and have an option. If they do secure that option it would leverage a better program for the city overall.

Alderman Clemons

What happens if the proposals only come back with something for the School Street lot?

Mr. Cummings

That would be fine too; we would be able to award an RFP just on the School Street lot.

Alderman McCarthy

I think we want to make sure that the RFP says the evaluation criteria will look at how it integrates into it. If someone chooses to give us a stand-alone plan then we get to decide if we think that will fit what we think the master plan looks like for the site.

Mr. Cummings

Exactly.

Alderman Lopez

With the working group I would suggest that you pick one of the larger adjacent businesses because I am seeing Gateways, Mary's House, Harbor Homes and the Dailanis House. I wouldn't get too far in the process without including one of those stakeholders because they all operate pretty significant efforts right in the area.

Mr. Cummings

Absolutely, we will definitely engage them when the time comes.

Alderman Lopez

You also might want to use a newer picture because it's missing the oval changes that you made.

Alderman Moriarty

This resolution was a few years ago and it's nice to see that there is something happening now.

Mr. Vayo

In this flyer the timeline is November for issue of an RFP and I think at this point it would be hard for me to imagine that we would be able to go through the process and get it out by the end of this month. Frankly, the fastest I could see something like this happening is between 18 and 24 months and in reality it's a 3 year project. The RFP is a couple of months; the planning process is a couple of months, site plan approval and literal construction.

COMMUNICATIONS - None

UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONS – None

NEW BUSINESS - ORDINANCES

O-16-020

Endorsers: Mayor Jim Donchess
Alderman-at-Large Brian S. McCarthy
Alderman Don LeBrun
Alderman-at-Large Michael B. O'Brien, Sr.

CLARIFYING AND UPDATING THE ELDERLY HOUSING SUPPLEMENTAL USE REGULATIONS

- Public Hrg scheduled for 11/15/16 at 6:30 PM in the Aldermanic Chamber
- Also assigned to the Planning Board; to appear on its 11/3/16 agenda

**MOTION BY ALDERMAN CLEMONSTO TABLE O-16-020 PENDING THE PUBLIC HEARING SCHEDULED FOR NOVEMBER 15, 2016, AT 7:00 PM IN THE ALDERMANIC CHAMBER
MOTION CARRIED**

GENERAL DISCUSSION

Alderman Lopez

It might be a good idea for this committee to, I am just thinking because we have been talking about the different trails and one of them was along the river over by the end of Canal and Bridge Streets. It might be a good idea to have it as a topic of discussion discussing the Heritage Rail Trail and its potential to expand across Main Street and go down West Hollis Street. As an economic concern I would like to see an update given to the committee on what the status of the lighting on the Heritage Trail is going to be for this winter and if we have any plans or ability to clear it because a lot of people rely on it as a pedestrian highway and it's a route to and from the bus station.

Alderman Moriarty

So we are going to have a public hearing and then after that public hearing we will talk about the resolution that we just tabled?

Chairwoman Melizzi-Golja

Correct and by the time that we have the public hearing it will have gone to the planning board as well.

President McCarthy

I would ask that we have Corporation Counsel present for that hearing or at least whoever did the actual draft. Attorney Westgate brings up a couple of interesting points.

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN

POSSIBLE NON-PUBLIC SESSION

ADJOURNMENT

**MOTION BY ALDERMAN CLEMONS TO ADJOURN
MOTION CARRIED**

The meeting was declared adjourned at 8:38 pm.

Alderman-at-Large Daniel T. Moriarty
Committee Clerk

Nashua's Riverfronts

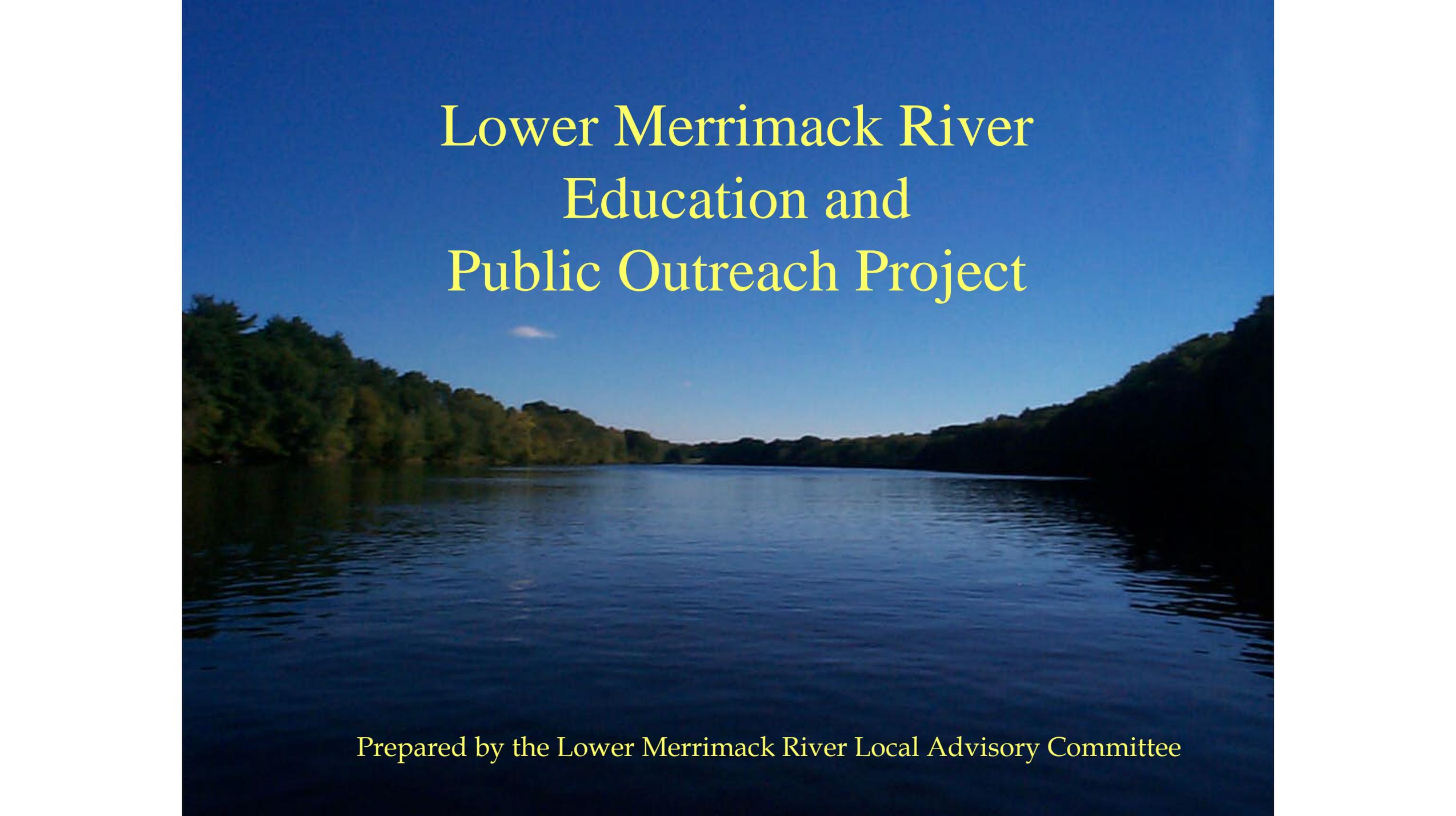
Issues and Opportunities

A work In Progress- Dialog sought

Gene Porter

Chair, LMRLAC

1 November 2016

The background of the slide is a photograph of a wide river, likely the Merrimack River, flowing through a lush, green forested valley. The water is a deep blue, and the sky is a clear, bright blue. The text is overlaid on the upper portion of the image.

Lower Merrimack River Education and Public Outreach Project

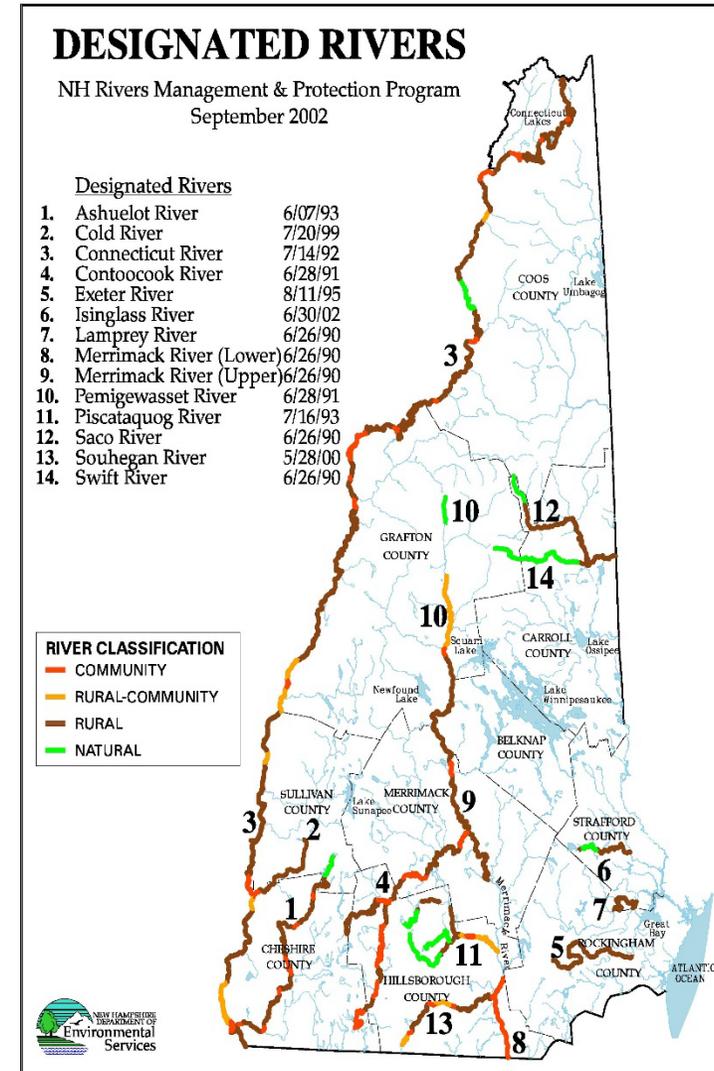
Prepared by the Lower Merrimack River Local Advisory Committee

NH Rivers Management and Protection Program

- 14 Rivers Designated
- 781 Total Miles
- 137 Riverfront Towns

Major Activities

1. Project review
2. Public support



Overview:

Many NE cities are investing in their riverfronts

Nashua's riverfronts offer untapped
development opportunities

*But there are several issues that need to be
addressed:*

Public Access (essential for public support)

Trails and Ramps and Swimming

Contamination and Obstructions

Organization and money: Master Plan needed

From the Web.....

Principles for Riverfront Development

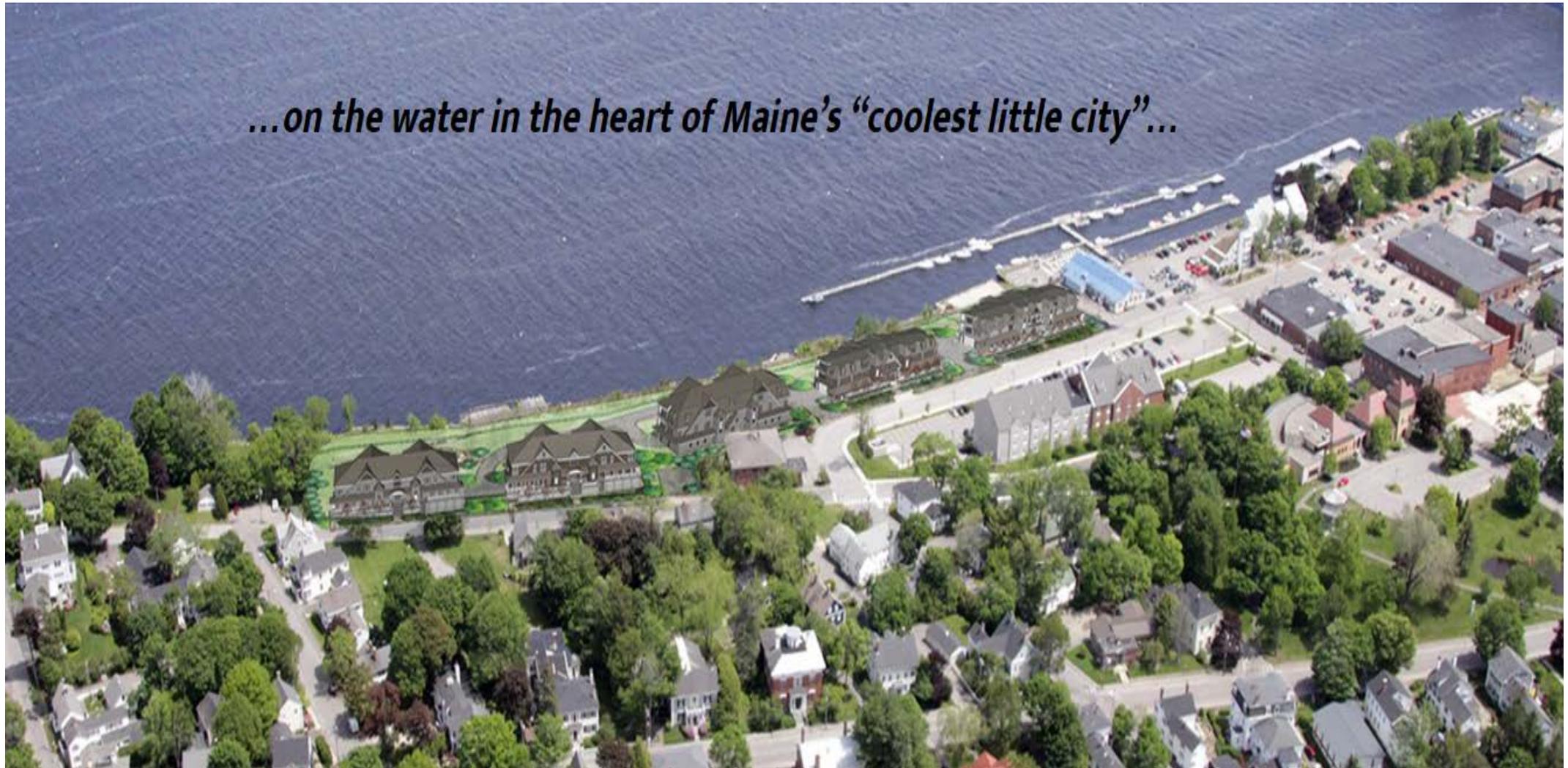
When planning a riverfront development, let these core principles lead the thinking:

- **Feature the riverfront as the front door**
 - Showcase the river's history
 - **Activate the riverfront**
 - Limit obstacles and **connect to the river** [Riverside Trails!](#)
 - Engage with the water
- **Connect seamlessly along the riverfront** and into neighborhoods
 - Repair and enhance the environment
- Employ high quality architectural materials and sustainable engineering practices

Bangor, ME

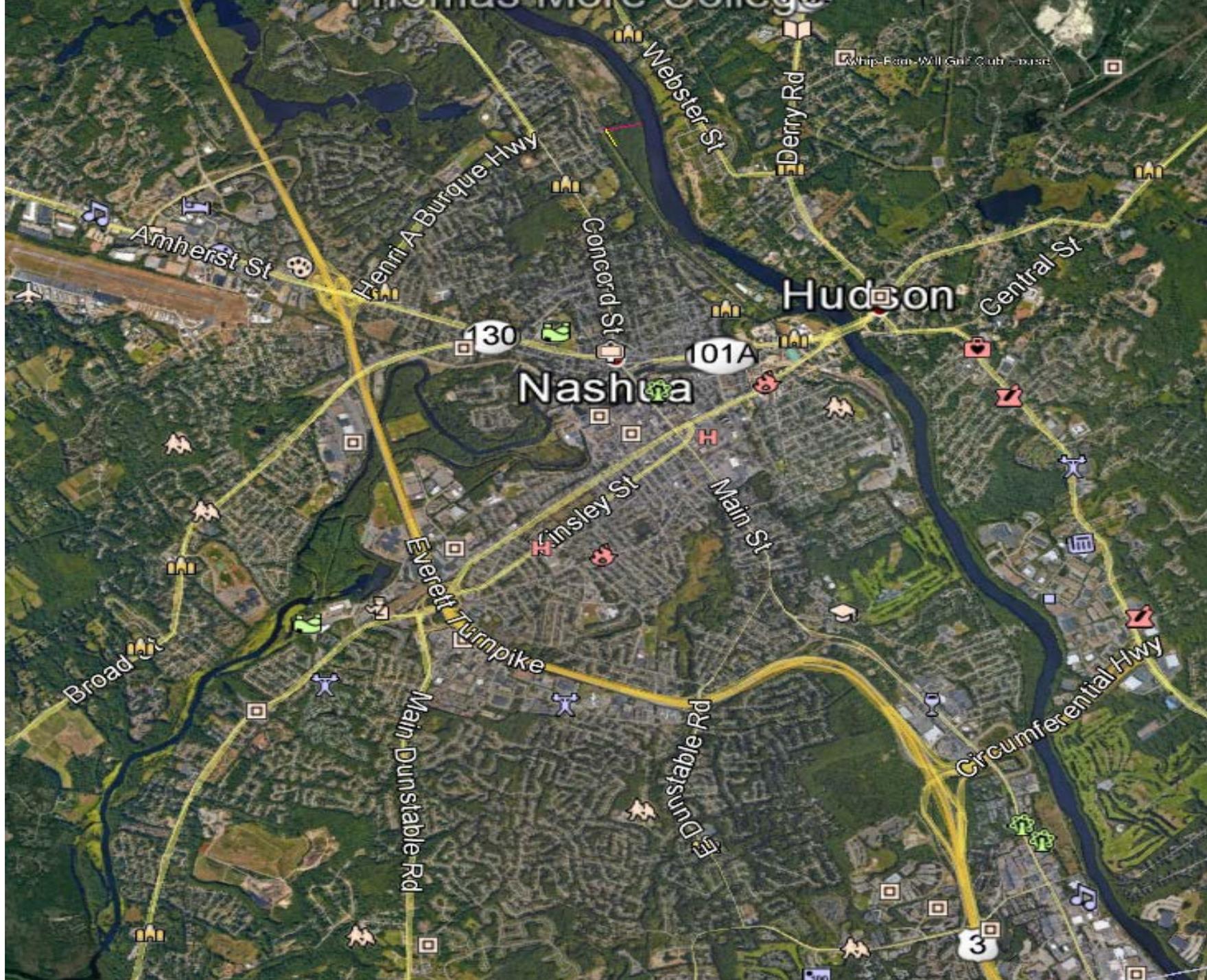


Bath Maine



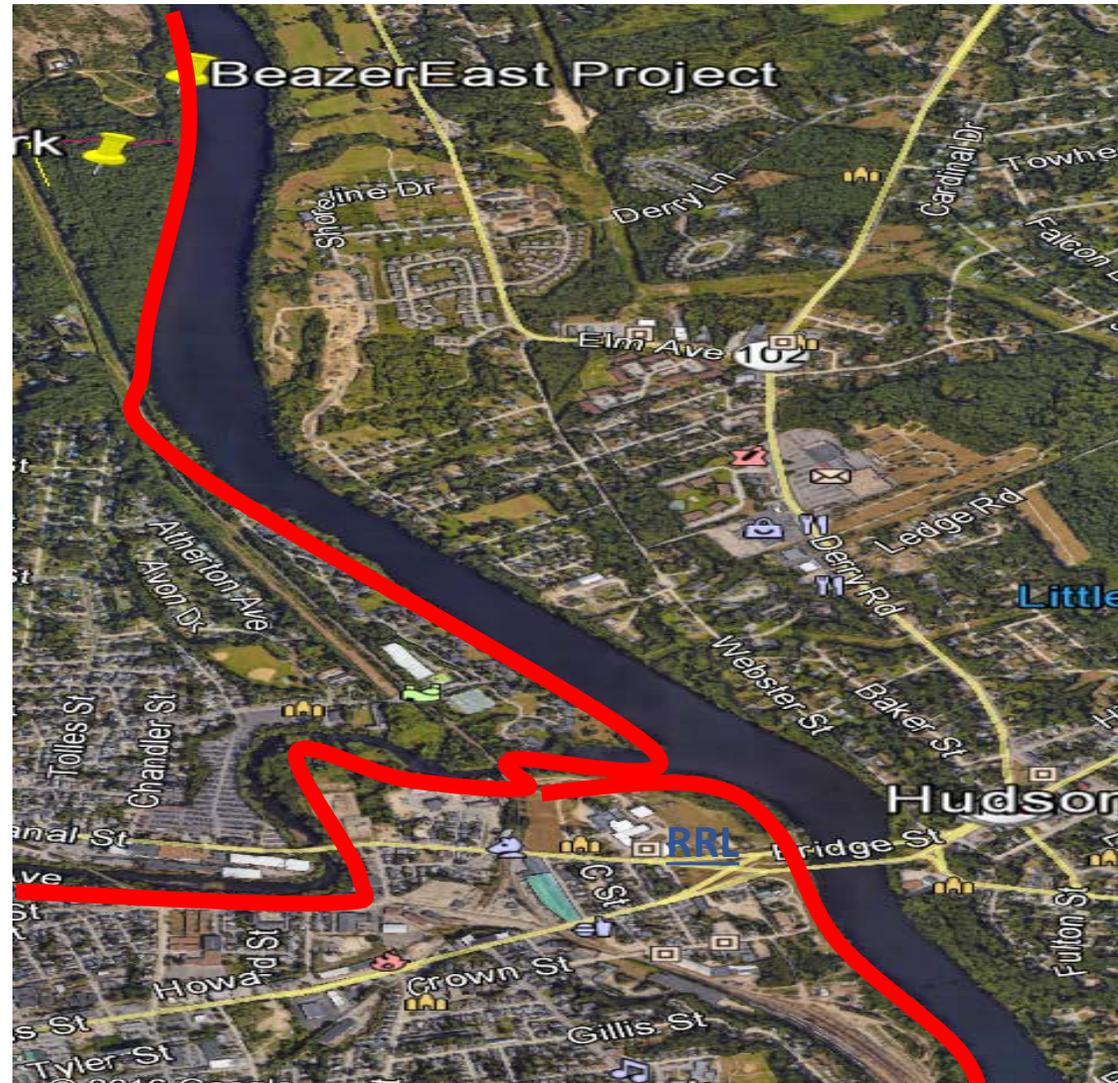
San Antonio





Heritage Trail Extension – A catalyst for Development?

Who will do the detailed planning?



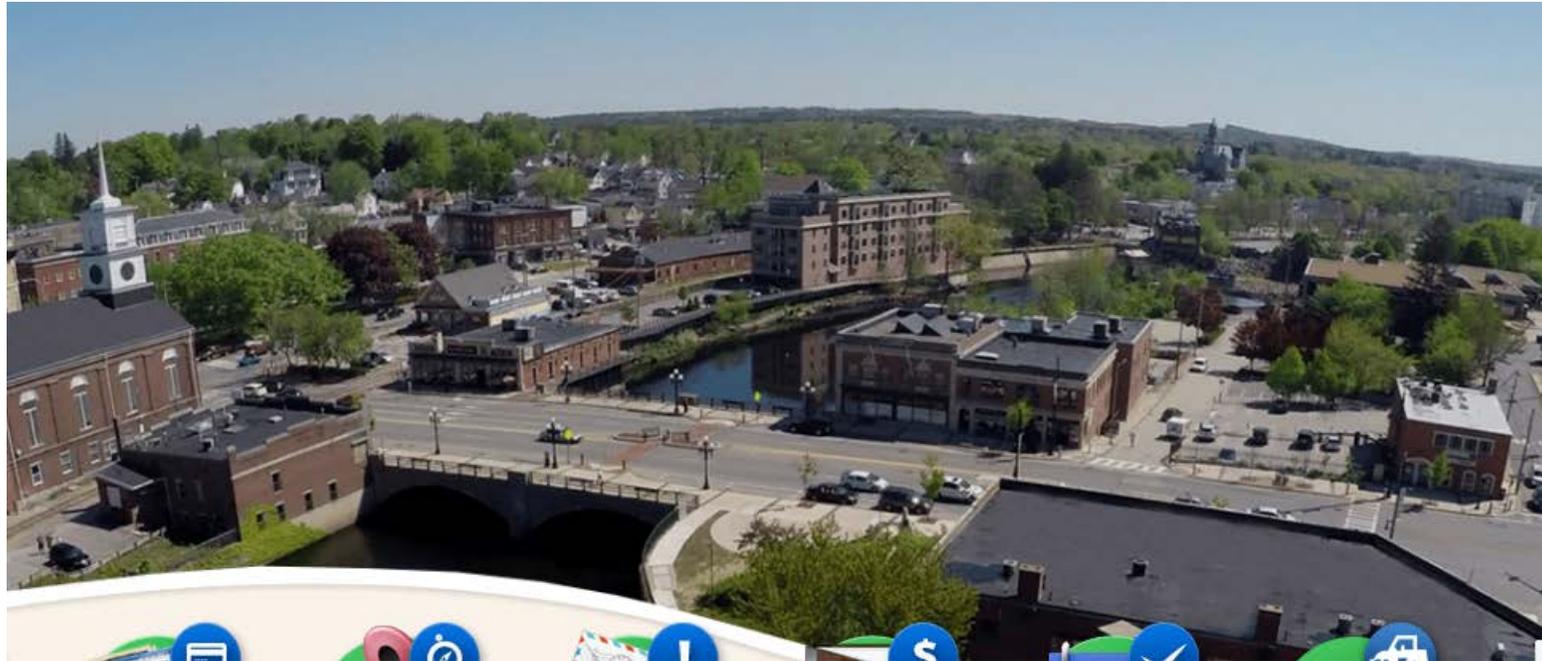
Lower Nashua River



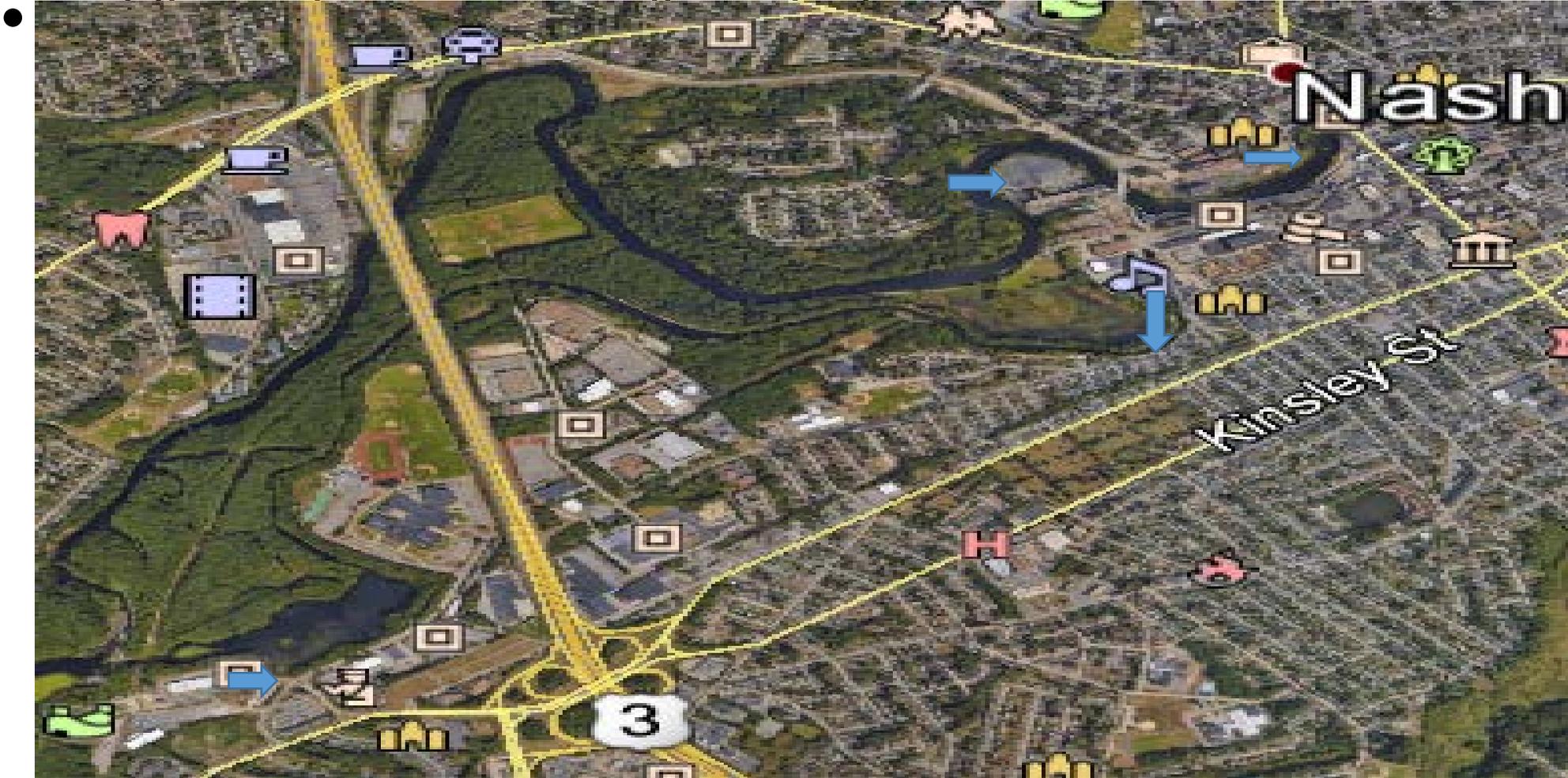
Downtown

Development Continues





RiverFront Segments – Middle Section, Nashua River



Mine Falls Park



Power Canal Ready for Skates

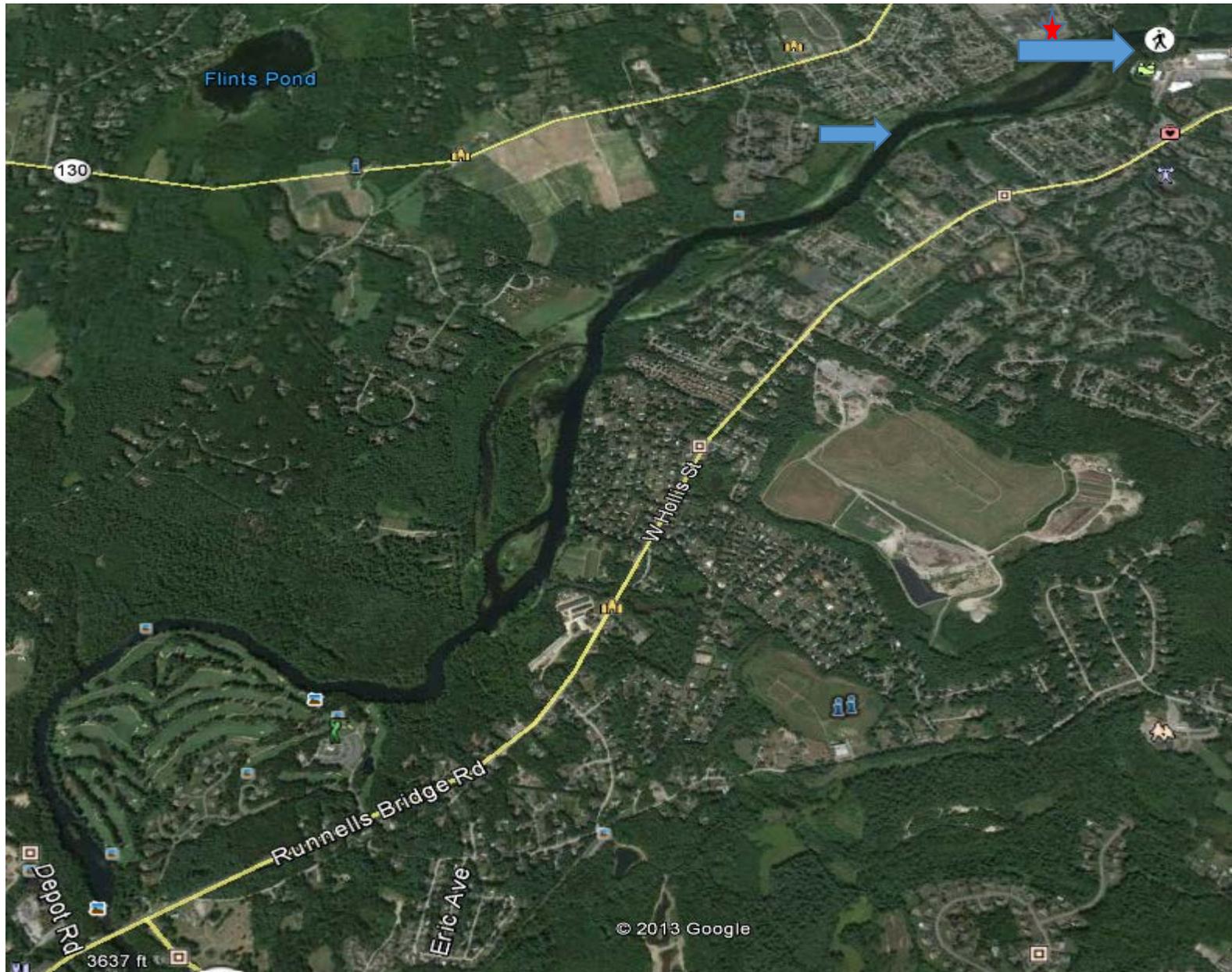


Millyard Ramp – Public Access Location



Riverfront Segments

Upper Section Nashua River



The Merrimack

**A Wild and Beautiful River
Largely Unknown to Nashua**



Heritage Trail Extension – A catalyst for Development?

Who will do the detailed planning?

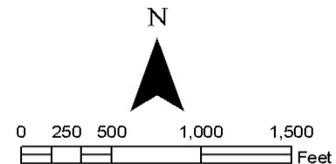


Crossing the Nashua River ?



Thoreau's Landing Shoreline Public Easement Eroded?

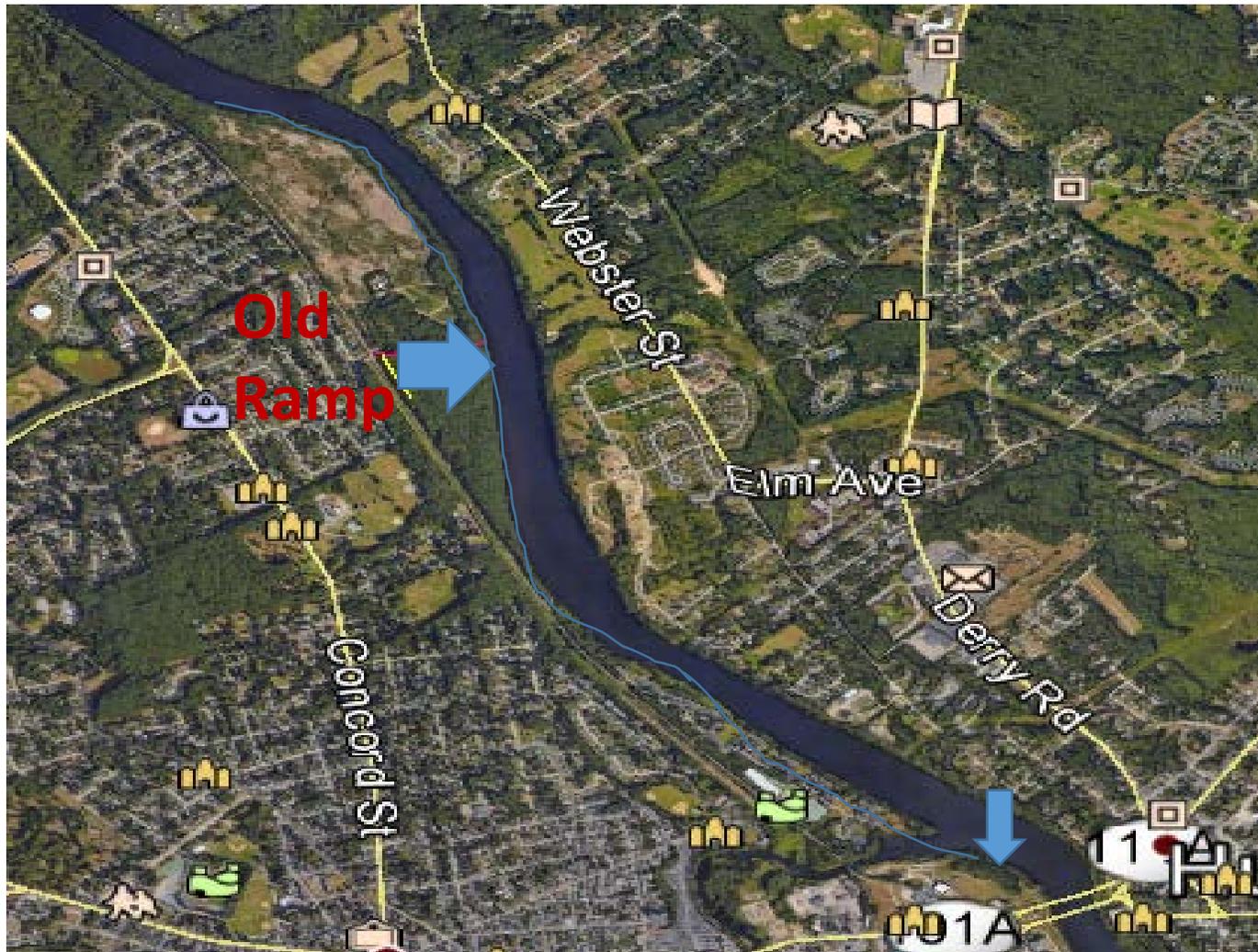
City of Nashua Conservation Lands
Monitoring
Progress Report for Easement # 67
POI Map 67-2



Created by NRWA from City of Nashua GIS datalayers.
Information on this map is provided for the
purposes of discussion and visualization only.

RiverFront Segments –Access Issues

- Merrimack River –Pennichuck Brook to Taylors Falls Bridge



Access Issue: Greeley Park Ramp with Drain Outfall



A Modern Merrimack River Ramp – *in Lowell*

Why not Nashua?



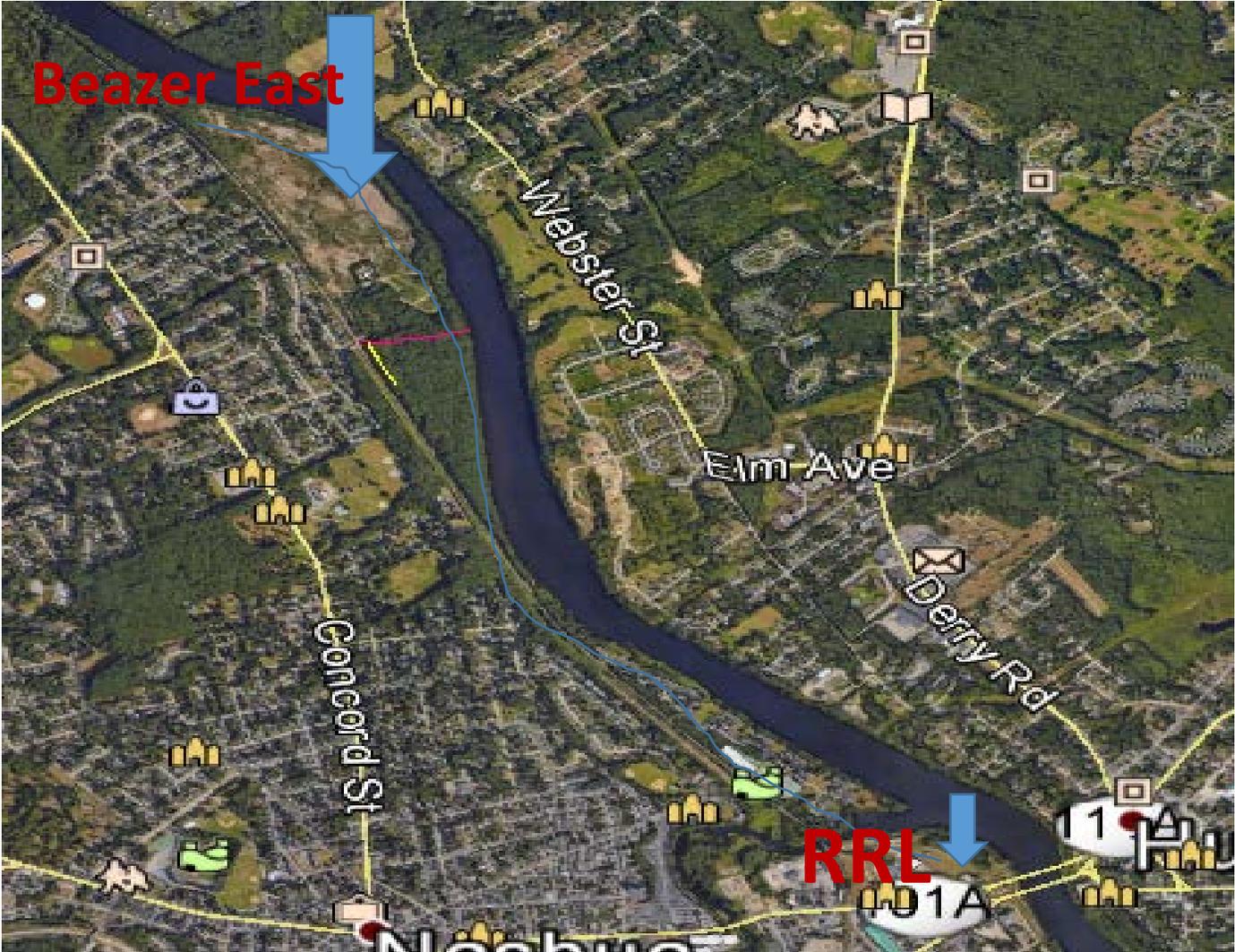
Access Issue

The Merrimack is prized for swimming *in*
Massachusetts!

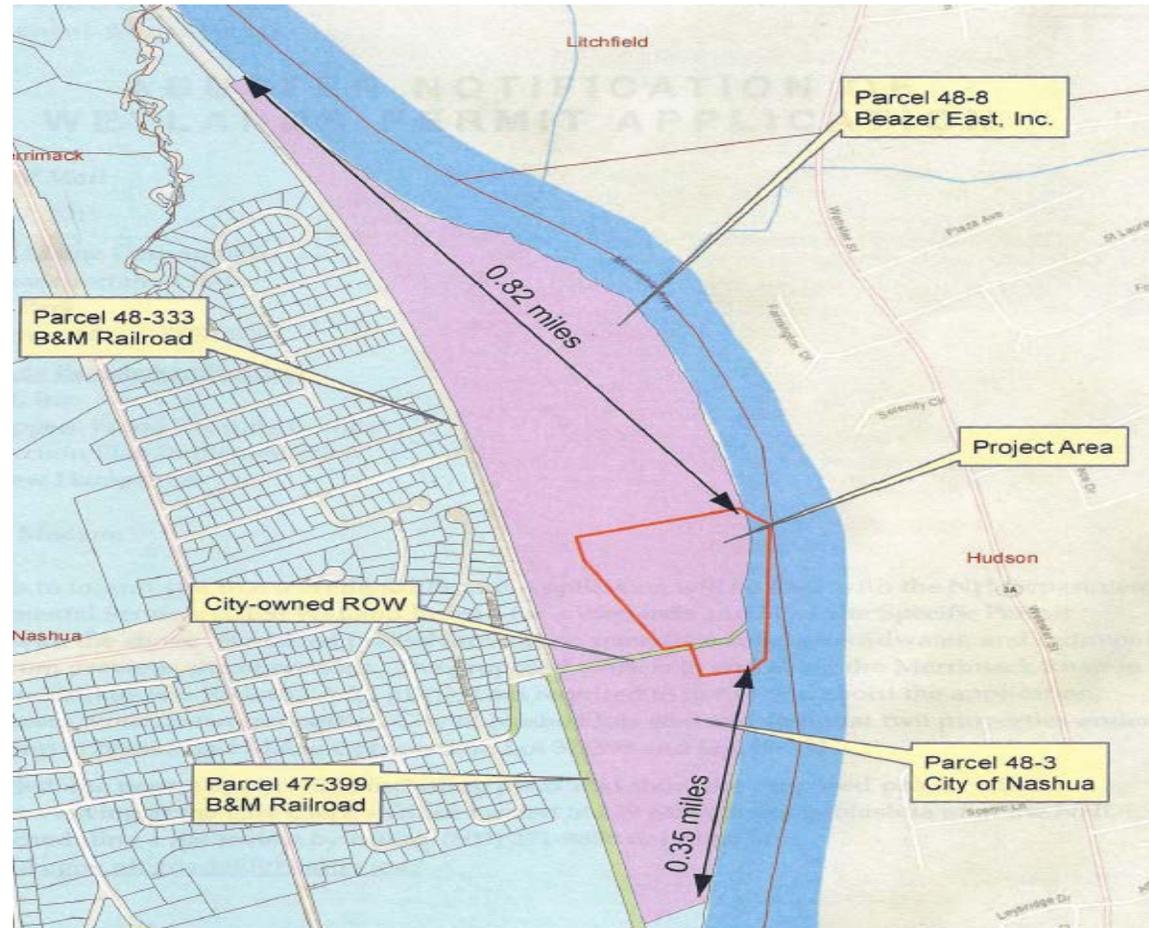


RiverFront Segments – Development opportunities

- Merrimack River –Pennichuck Brook to Taylors Falls Bridge



Beazer East Creosote Remediation Project



Beazer-East Creosote Remediation Site circa July 1016



Key Riverfront Opportunity





Residences at Riverside Landing

The Residences at Riverfront Landing is the first phase of the major redevelopment. The 228 unit market-rate project features three **4-story** residential buildings with parking podiums. A clubhouse will serve residents' needs for leasing, fitness and community spaces while an additional building along the river will provide for modest retail needs. ***The site is***

surrounded by a trail system that boasts views of the confluence of the Merrimack River and the Nashua

River. The redevelopment of this industrial property will have a profound impact on the City of Nashua and provide an infusion of activity and life.

Retained riverside trees provide some screening

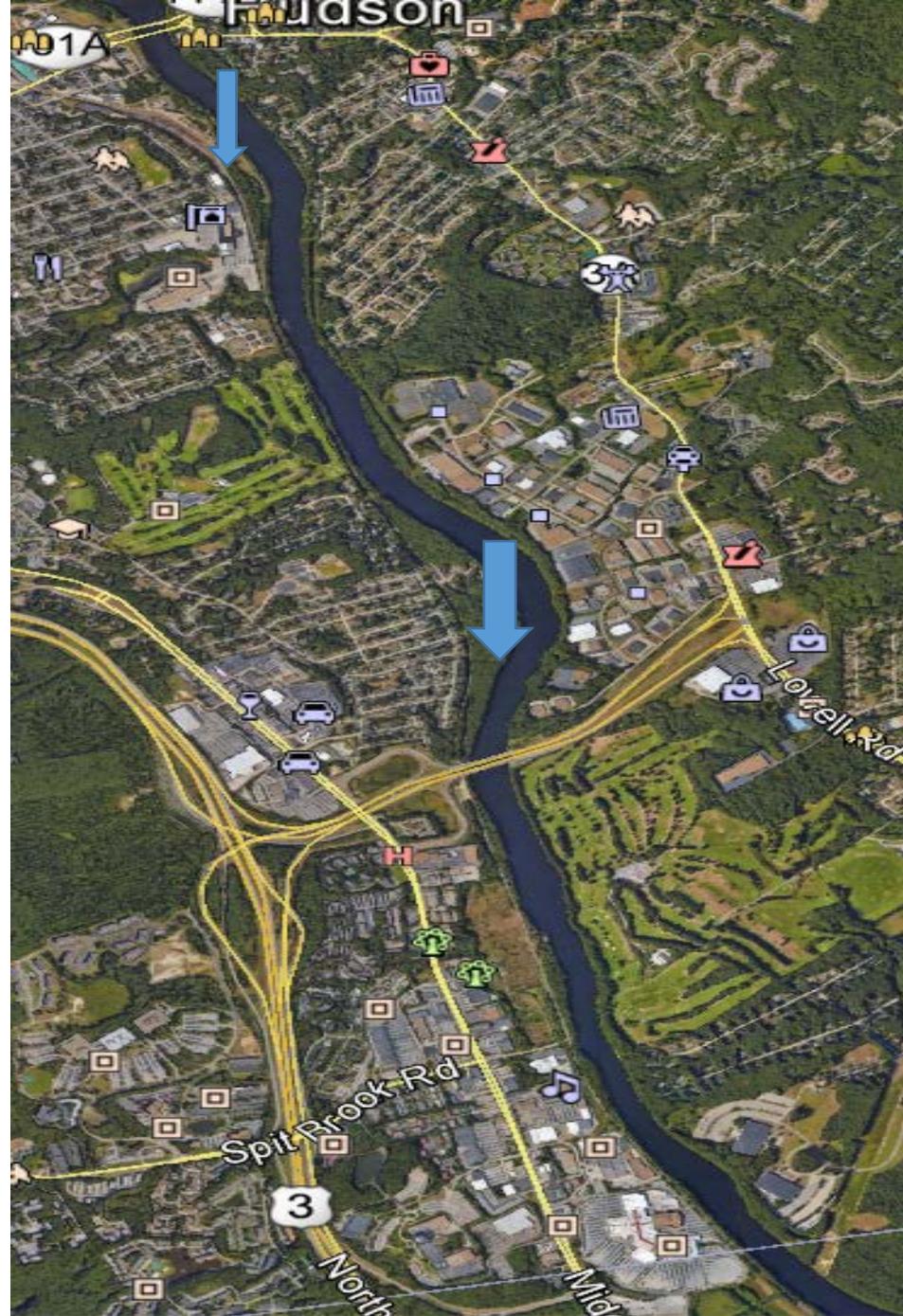


LMRLAC depiction; RRL provided no sightlines



RiverFront Segments

- Merrimack River –Taylors Falls Bridge to MA Line
- No public access sites
- Limited development potential east of RR tracks



Lowell MA; Riverside trail above the Pawtucket Dam



Principles for Riverfront Development

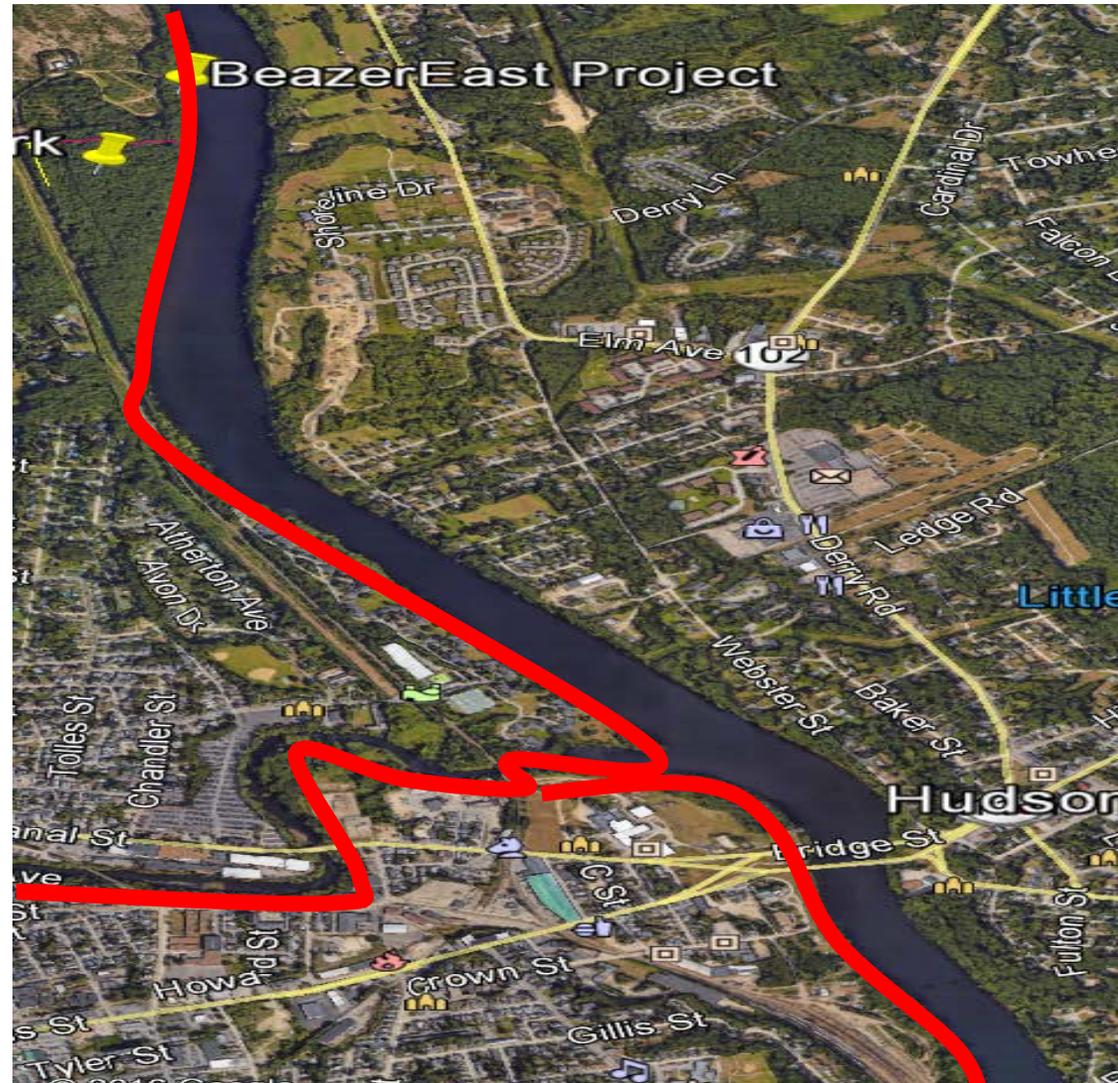
When planning a riverfront development, let these core principles lead the thinking:

- **Feature the riverfront as the front door**
- Showcase the river's history
- Activate the riverfront
- Limit obstacles and connect to the river
- Engage with the water
- Connect seamlessly along the riverfront and into neighborhoods
- Repair and enhance the environment
- Employ high quality architectural materials and sustainable engineering practices

Who in Nashua will take the lead?

Heritage Trail Extension – A catalyst for Development?

Who will do the detailed planning? Who will acquire the easements? When?

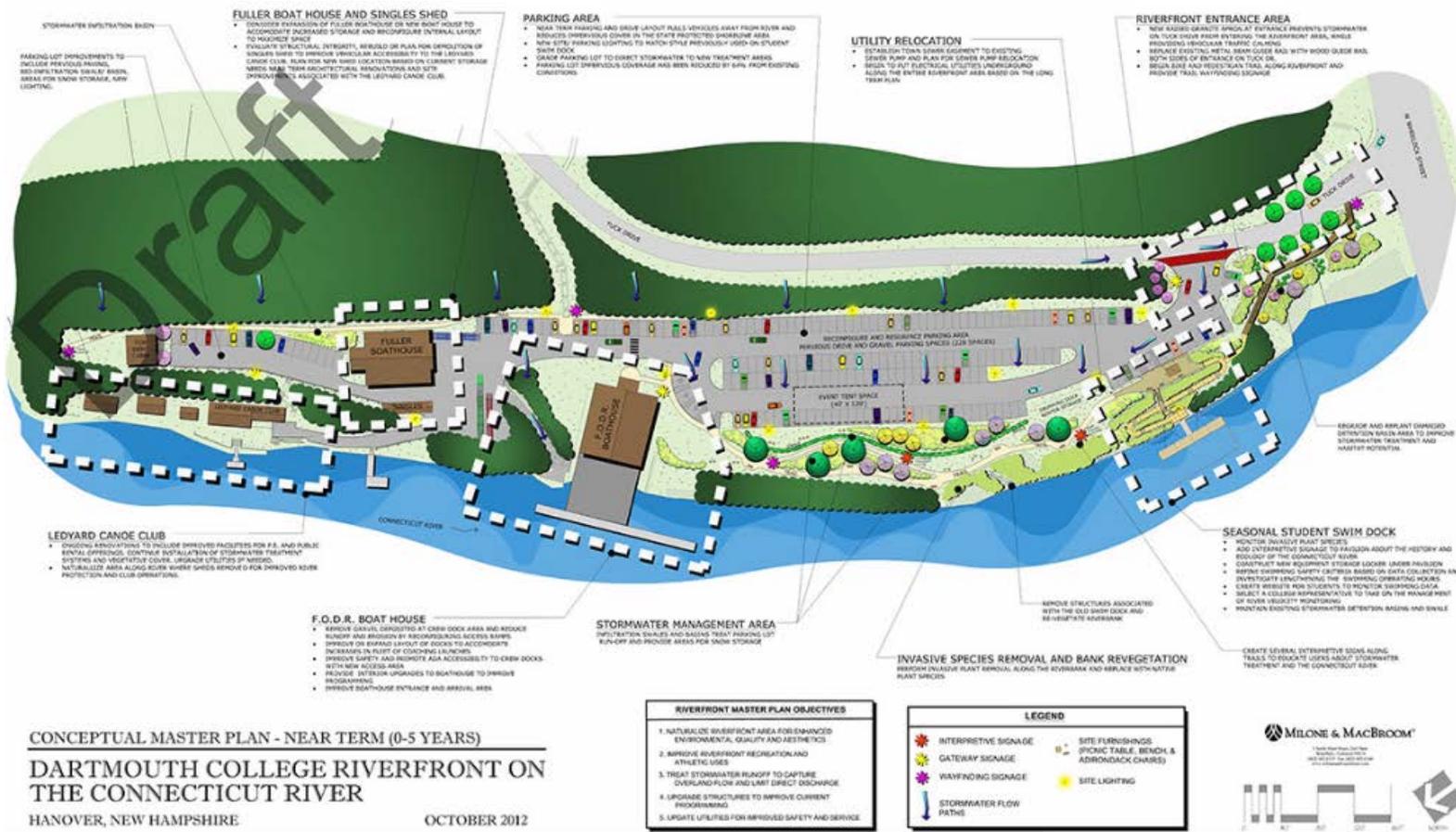


Burlington VT, half the size of Nashua, just voted overwhelmingly to spend \$9M to upgrade its waterfront, with the expectation of a \$44M growth in the tax base



Back up charts

Hanover NH



Westfield MA

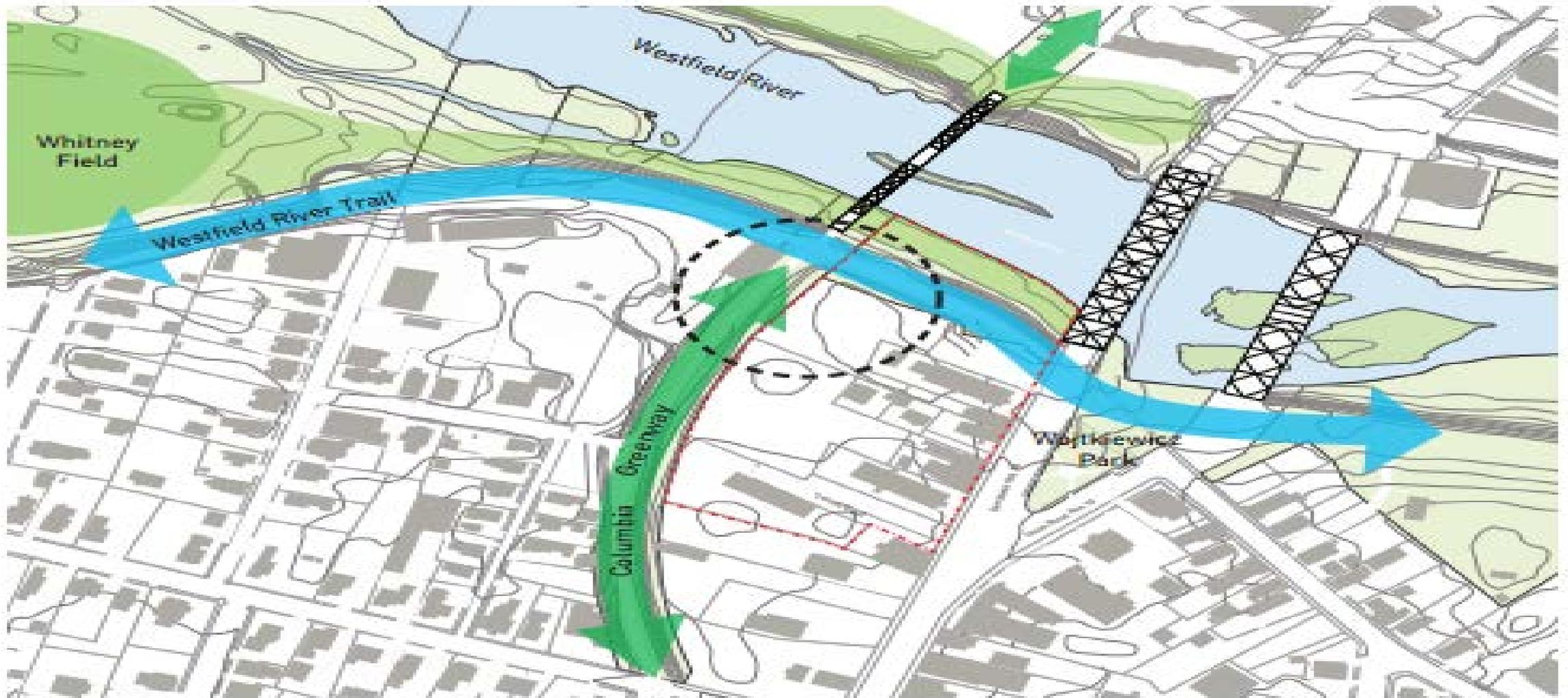


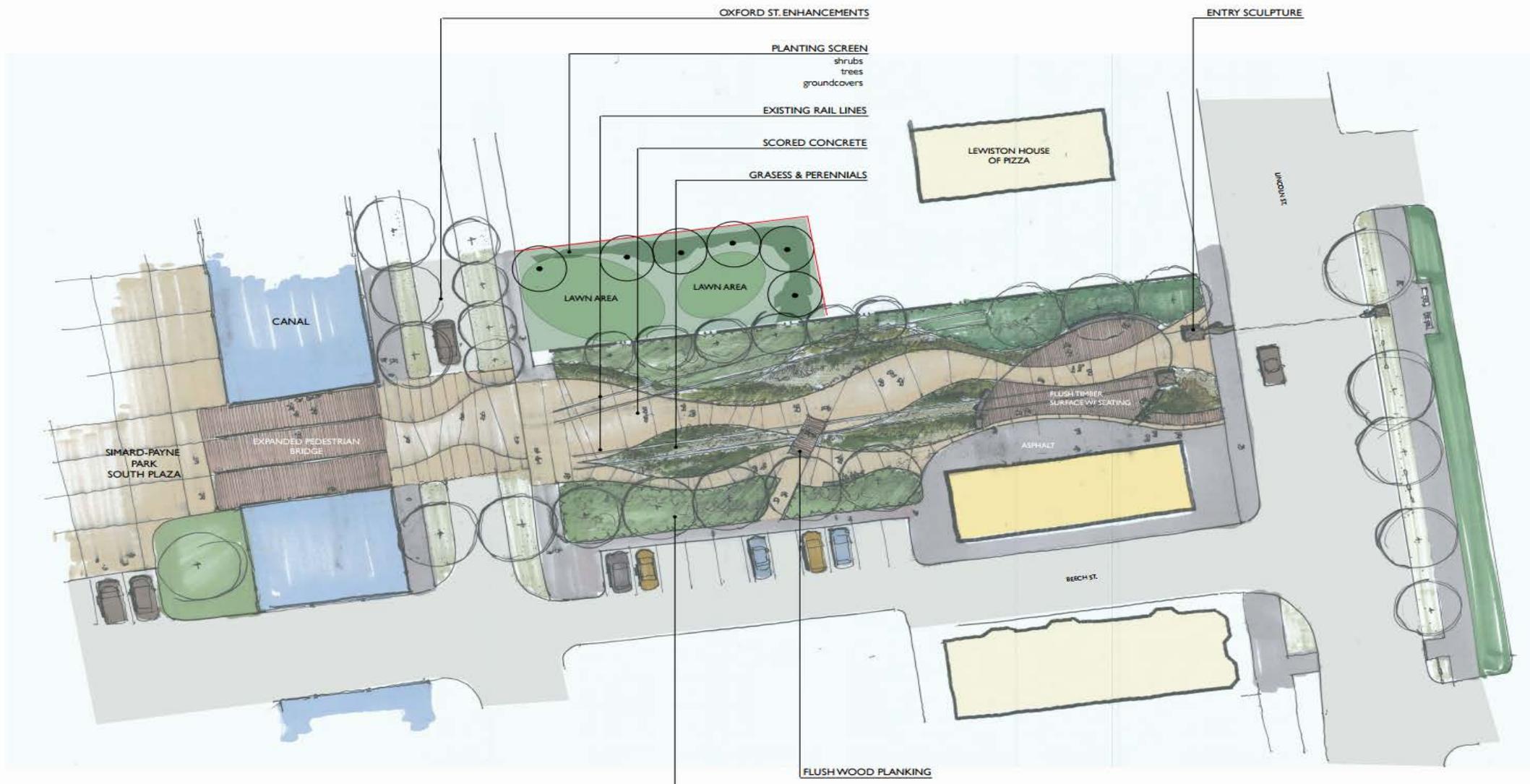
Figure 2.1: Nexus of Trails

Along the River

Parallel connections along the river's edge serve many different users and connect neighborhoods and development sites to the water, providing public access, opening up views, and re-engaging the rivers as part of the **public realm**. This section is intended to provide guidance for designing riverfront trails, promenades, roads, and scenic drives, each of which addresses a key issue of access along the rivers.



Lewiston Maine



Waterville, ME



Saginaw. MI



SAGINAW RIVERFRONT
DEVELOPMENT COMMISSION



Shallotte, NC



Washington's Landing

Elegant city living at the water's edge



Ft Wayne. IN \$10M



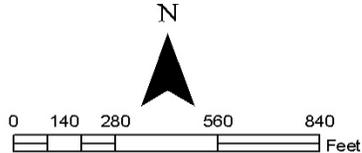
North Shore Riverfront Park & Trail

A paradigm shift in embracing Pittsburgh's riverfronts



Shoreline protected by easements

City of Nashua Conservation Lands
Monitoring
Progress Report for Easement # 74
Locus Map 74-1



Created by NRWA from City of Nashua GIS datalayers.
Information on this map is provided for the
purposes of discussion and visualization only.



THE CITY OF NASHUA

Economic Development Division

"The Gate City"

To: B. McCarthy, Alderman and President

From: T. Cummings, Economic Development Division Director

Cc: J. Donchess, Mayor
J. Vayo, Downtown Specialist
Members of the Board of Aldermen

Date: October 2, 2016

Re: School Street Redevelopment Area RFP (R-14-003)

Background & Purpose:

In 2014 the Board of Aldermen passed R-14-003; a Resolution "Regarding Downtown Mixed-Use Development in the General Area from the Site of the School Street Parking Lot to the Area Known as the Oval". The resolution calls for the issuance of a Request for Proposal ("RFP") for the contemplation of a master concept plan redeveloping underperforming assets within the articulated area.

The purpose is to achieve greater tax revenue from the development of a mixed use building(s) on the surface parking lot and surrounding area if possible.

I am writing to proactively communicate that my office wishes to pursue this initiative but before we start the process I wanted to be sure the Board of Aldermen is well aware of this past legislative act and to invite the Board of Aldermen's participation.

To date the Economic Development Division has solicited input from BIDA per the resolutions instruction. This initiative has appeared on their last two agendas and we will continue to work with the BIDA committee to help advance this initiative appropriately. The desired outcome from the RFP process is for The City of Nashua to enter into an exclusive negotiation agreement with a developer or development team to create new program, as outlined in the resolution, at the School Street Lot with additional potential for proposals for the surrounding area.

Guiding Principles:

This resolution gave direction for the following uses:

1. Mixed use buildings of at least 4 stories, and including retail or like uses on the first floor, and at least 60 residential units in the area of the school street lot, and like density in other areas
2. A hotel of daily occupancy to service business and recreational visitors to the city's downtown
3. A standalone performing arts venue.

Proposal shall include the following minimum details:

1. Conceptual site plan and floor plan
2. Proposed architectural style and landscaping
3. Discussion of the land arrangement with the city (and other owners), such as land lease, outright purchase, or other agreement;
4. Description of intended use of parking in the High Street Garage

Proposals shall be evaluated based upon the following minimum details:

1. Evaluation of the conceptual site plan
2. Evaluation of the architectural style and landscaping and their appropriateness to the area
3. Scope of the plan with regard to redevelopment of the overall subject area
4. Inclusion of retail uses compatible with the downtown on the first floor of the structure(s)
5. Appropriateness of the building exterior and integration with the surrounding street, in such areas as window and door openings on to the street.

Participation:

The Economic Development Division has taken a lead in crafting a draft RFP to meet the intent of the 2014 resolution, and has to-date briefed and sought input from the Business & Industrial Development Authority (“BIDA”). Upon briefing the Board of Aldermen on the project’s progress and obtaining Board of Aldermen’s input a small working group will be formulated. I will be requesting that the President appoint two or three members to join two or three members of BIDA along with city staff to finish crafting the RFP. Additionally this working group will help steer the project and ultimately make the recommendations to the Board of Aldermen when appropriate.

Timeline:

The Economic Development Division seeks to release a RFP in Q4 2016 with the anticipation of entering into an exclusive negotiation agreement with a developer or development team by the end of Q2 2017.

The timeline for the RFP is envisioned as follows:

1. Release the RFP to the public in November/December
2. Review Proposals in February/March 2017 and develop a shortlist of proposals
3. Short list presentations (1) to the public and (1) to the steering committee, which will result in a recommendation to be forwarded on to the Board of Aldermen. The Board of Aldermen would then be requested to award and enter into an exclusive negotiation agreement in April/May 2017. The negotiation agreement will establish a timeline for milestones in land approvals and financing, once milestones are met a disposition of land for its redevelopment can be executed.

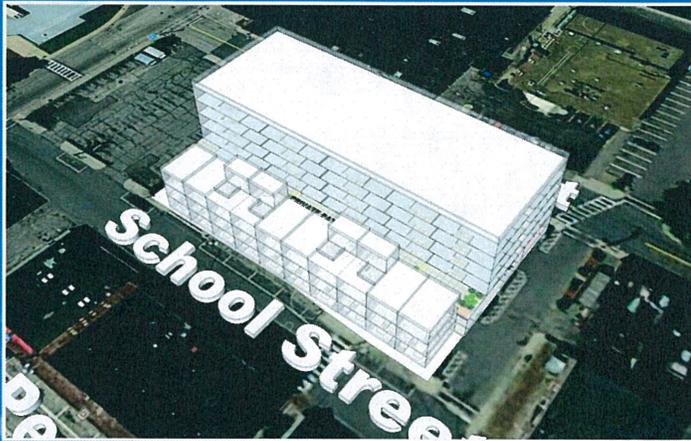
Enclosure:

R-14-003

SCHOOL STREET REDEVELOPMENT

Downtown Nashua, New Hampshire

Conceptual Plan



Conceptual Plan Massing Model

The City's Economic Development Division has developed a concept plan for multifamily development which offers a range of housing choices. The conceptual plan achieves a site density of over 100 units per acre and is estimated to generate approximately one million in net operating income annually.

The conceptual plan offers a range of residential choices, including townhome, live-work, and traditional rental product. The conceptual massing is merely a frame of reference to illustrate the order of magnitude possible for the development parcel, specific proposals will be at the discretion of the developer or development team.

Agreement Timeline

- **November**- Issue RFP, Pre-Bid Meetings
- **January** - Proposals Due
- **February** - RFP Review / Short List
- **April** - Presentations to Aldermen

Anticipated entry into an exclusive negotiation agreement Q2 2017.

Tim Cummings

603.589.3072
cummingst@nashuanh.gov

James Vayo

603.589.3070
vayoj@nashuanh.gov

Economic Development Division - City of Nashua

229 Main Street
Nashua, New Hampshire
Office: 603.589.3261

Conceptual Area Plan for Infill Development

Additionally, the City of Nashua is exploring ways to plan for infill development of the area known as the Courthouse Oval. The area has the potential of absorb over 500,000sf of additional program (when developed to 4-5 stories in height) over 100,000sf (300 spaces) in additional parking. The draft conceptual area plan (shown below) has the potential to add significant new residential housing stock to the downtown which would add new revenue to the City of Nashua's tax base while also adding new residential spending power in immediate proximity to the Downtown Retail District. Developers are encouraged to explore opportunities and approach private property owners with the intent to create a coordinated proposal.



Draft Conceptual Area Plan to Illustrate Potential

SCHOOL STREET LOT DEVELOPMENT

Downtown Nashua, New Hampshire

Opportunity for Development of
a Mixed-Use Building on
City of Nashua Land



AVAILABLE FOR DEVELOPMENT

+/-29,700 SF

MIXED-USE / RESIDENTIAL SITE

D-1 Downtown District Zoning with
Municipal Parking Availability



For more information or to schedule a tour, please contact:

Tim Cummings
603.589.3072
cummingst@nashuanh.gov

James Vayo
603.589.3070
vayoj@nashuanh.gov

Economic Development Division - City of Nashua
229 Main Street
Nashua, New Hampshire
Office: 603.589.3261

The City of Nashua's

Economic Development Division anticipates the distribution of a Request for Proposal for the development of the School Street municipal parking lot. The City wishes to enter into a negotiation agreement with a developer or development team to create a program which will add to the stock of market rate housing in Downtown Nashua.

- Downtown "D-1" District with a Mixed-Use "MU" overlay. The D-1 MU zoning allows for a wide range of flexibility in layout, height, density, and use of the site.
- Proximity to municipal parking garage. The municipal garage has significant capacity to meet additional demand, and the City of Nashua seeks to achieve high utilization of the garage.
- Steps away, Main Street provides an address to the property that is in walking distance to over a million square feet of commercial building space
- The accessibility to large employment center and cultural offerings ensures a premium urban lifestyle product can be offered to a high demand market.

The City of Nashua seeks to release a RFP in Q4 2016 and enter into a negotiation agreement with a developer or development team by Q2 2017.