

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

MARCH 4, 2021

7:00 PM

To Join Zoom meeting: <https://us02web.zoom.us/j/84006062636?pwd=eU1td1pCOGRtZDVUQ01ndVZFOEpadz09>
Meeting ID: 840 0606 2636 Passcode: 265251

To Join by Telephone: 1-929-205-6099 Meeting ID: 840 0606 2636 Passcode: 265251

If there is a problem with the audio, please dial 603-821-2049 to advise.

PUBLIC HEARINGS

O-21-048

AMENDING THE RESIDENTIAL DISTRICTS ORDINANCE WITH RESPECT TO RESIDENTIAL DRIVEWAYS

O-21-049

AMENDING THE CONSERVATION SUBDIVISIONS SUPPLEMENTAL USE REGULATIONS

ROLL CALL

TESTIMONY

REGULAR MEETING

PUBLIC COMMENT

DISCUSSION

COMMUNICATIONS

UNFINISHED BUSINESS

NEW BUSINESS – RESOLUTIONS

NEW BUSINESS – ORDINANCES

O-21-048

Endorsers: Mayor Jim Donchess
Alderman Richard A. Dowd
Alderman Linda Harriott-Gathright

AMENDING THE RESIDENTIAL DISTRICTS ORDINANCE WITH RESPECT TO RESIDENTIAL DRIVEWAYS

O-21-049

Endorser: Mayor Jim Donchess

AMENDING THE CONSERVATION SUBDIVISIONS SUPPLEMENTAL USE REGULATIONS

TABLED IN COMMITTEE

GENERAL DISCUSSION

PUBLIC COMMENT

REMARKS BY THE ALDERMEN

POSSIBLE NON-PUBLIC SESSION

ADJOURNMENT



ORDINANCE

AMENDING THE RESIDENTIAL DISTRICTS ORDINANCE WITH RESPECT TO RESIDENTIAL DRIVEWAYS

CITY OF NASHUA

In the Year Two Thousand and Twenty-One

The City of Nashua ordains that Part II “General Legislation”, Chapter 190 “Land Use”, Part 2 “Zoning Districts and Supplemental Use Regulations”, Article III “Base Districts”, Section 190-17 “Residential Districts (R-40, R-30, R-18, R-9, R-A, R-B, R-C)” of the Nashua Revised Ordinances, as amended, be and hereby is further amended by deleting the struck-through language and adding the new underlined language as follows:

“§ 190-17. Residential Districts (R-40, R-30, R-18, R-9, R-A, R-B, R-C) and Residential Uses.”

Purpose: These districts implement the following Master Plan recommendations:

- *Protect the character of existing neighborhoods through zoning regulation and enforcement.*
- A. No application for development approval in the R-40, R-30, R-18, R-9, R-A, R-B, R-C Zoning Districts or residential uses in other Districts shall be approved unless the proposed use and/or development conforms to the requirements of this article and a building permit is issued in accordance with Part 3. If subdivision and site plan approval are required the proposed development shall comply with the requirements of Parts 4 through 8.
 - B. Only one principal structure shall be permitted on a lot, except where otherwise provided by this chapter.
 - C. All proposed uses shall comply with the ~~parking standards (Article XXVIII)~~ and sign regulations (Article X) regardless of whether a site plan is required.
 - D. Specific residential district criteria. The following standards apply to all residential districts: All two-family dwellings (duplexes) shall be structures

consisting either of two separate dwelling units on separate floors or of two separate dwelling units connected and separated by a common wall connecting living spaces, perpendicular to the longest dimension of the structure, and having a common length equal to at least: (i) 90% of the widest part of each structure measured perpendicular to the longest dimension, if the longest dimensions are parallel; or (ii) 90% of the widest part of one unit measured perpendicular to the longest dimension, and 50% of the longest dimension of the other unit, if the longest dimensions are perpendicular to each other.

E. Driveways for residential uses shall be subject to the following provisions:

- (1) Driveways where they meet the public right of way and continuing to the rear line of the front yard setback shall be no more than 24 feet in width. Such width may be divided between two approaches to the right of way but no more than two. "Width" shall be measured along a line generally perpendicular to the line of intended vehicular travel.
- (2) Driveways shall be located a minimum of 50 feet from an intersection.
- (3) Driveways crossing a sidewalk shall maintain and continue the sidewalk width and cross slope (2% maximum). Sidewalk approaches shall be reconstructed in kind as necessary to make smooth transitions to the driveway crossing. Sidewalk width and grades at driveway crossings shall comply with ADA standards.
- (4) Driveway throat length. Driveway throat length shall be measured from the edge of the property line to the end of the driveway. The "end of the driveway" means the point at which a lane or opening in the driveway permits vehicles to enter or exit the driveway lanes. A minimum driveway throat length of 25 feet shall be required. The purpose of the driveway throat length is to allow for traffic entering the site to be stored on site in order to avoid obstructing sidewalks or public ways.
- (5) Driveway approach angle. The angle of the driveway approach shall be approximately 90° for two-way driveways and between 60° and 90° for one-way driveways.
- (6) Driveways shall be paved within the right of way and constructed per Division of Public Works standards, including permitting and inspection requirements."

This ordinance shall become effective immediately upon passage.

LEGISLATIVE YEAR 2021

ORDINANCE: O-21-048

PURPOSE: Amending the Residential Districts ordinance with respect to residential driveways

SPONSOR(S): Mayor Jim Donchess

COMMITTEE ASSIGNMENT: Planning and Economic Development Committee
Nashua Planning Board

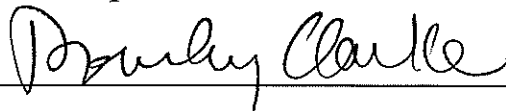
FISCAL NOTE: None.

ANALYSIS

This legislation amends the Residential Districts ordinance by adding language regarding residential driveways. The Community Development Division has provided a memo that explains the purpose of this proposed change.

State statute (RSA 675:2) and NRO Section 190-132 require a public hearing and referral to the city planning board. The public hearing is conducted by the aldermanic planning and economic development committee with notice published in a newspaper of general circulation and posted in two public places at least ten calendar days prior to the date of the hearing. (Notice period does not include the day notice is posted or the day of the public hearing. RSA 675:7, I.) A favorable vote of two-thirds of all the members of the board of aldermen present and voting would be required if a protest petition is filed pursuant to RSA 675:5. Under RSA 676:12 and NRO Section 105-3, no building permit may be issued after the legal notice has been posted if the proposed changes would, if adopted, justify refusal of the permit. This limitation applies for a period of 120 days.

Approved as to form: Office of Corporation Counsel

By: 

Date: 3 February 2021



ORDINANCE

AMENDING THE CONSERVATION SUBDIVISIONS SUPPLEMENTAL USE REGULATIONS

CITY OF NASHUA

In the Year Two Thousand and Twenty-One

The City of Nashua ordains that Part II “General Legislation”, Chapter 190 “Land Use”, Part 2 “Zoning Districts and Supplemental Use Regulations”, Article VI “Supplemental Use Regulations”, Section 190-40 “Conservation Subdivisions” of the Nashua Revised Ordinances, as amended, be and hereby is further amended by adding the new underlined language as follows:

“§ 190-40. Conservation subdivisions.

...

C. Uses and density.

- (1) Permitted uses are governed by the applicable zoning district regulations.
- (2) The minimum lot size requirements of the zoning district (Article III, § 190-16) shall not apply to a conservation subdivision. However, a conservation subdivision shall not exceed the maximum density permitted by § 190-16, Table 16-3 (Dimensional Matrix). [Note: See example below.]
- (3) In order to provide undivided open space for direct views and access, at least 40% of the lots within a conservation subdivision shall abut a conservation area.
- (4) Direct pedestrian access to the open space from lots not adjoining the open space shall be provided through a continuous system of sidewalks and trails.
- (5) Additional dwelling unit density may be obtained if the incentive(s) described in Table 40-1 are fully satisfied.

(6) Conservation subdivisions may contain more than one principal structure on a lot.

..."

This ordinance shall become effective immediately upon passage.

LEGISLATIVE YEAR 2021

ORDINANCE: O-21-049

PURPOSE: Amending the Conservation Subdivisions Supplemental Use Regulations

SPONSOR(S): Mayor Jim Donchess

COMMITTEE ASSIGNMENT: Planning and Economic Development Committee
Nashua Planning Board

FISCAL NOTE: None.

ANALYSIS

This legislation amends the Conservation Subdivisions Supplemental Use Regulations by adding language that permits more than one principal structure on a lot. The Community Development Division has provided a memo that explains the purpose of this proposed change in detail.

State statute (RSA 675:2) and NRO Section 190-132 require a public hearing and referral to the city planning board. The public hearing is conducted by the aldermanic planning and economic development committee with notice published in a newspaper of general circulation and posted in two public places at least ten calendar days prior to the date of the hearing. (Notice period does not include the day notice is posted or the day of the public hearing. RSA 675:7, I.) A favorable vote of two-thirds of all the members of the board of aldermen present and voting would be required if a protest petition is filed pursuant to RSA 675:5. Under RSA 676:12 and NRO Section 105-3, no building permit may be issued after the legal notice has been posted if the proposed changes would, if adopted, justify refusal of the permit. This limitation applies for a period of 120 days.

Approved as to form: Office of Corporation Counsel

By: Marilyn Clarke

Date: 3 February 2021