

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

SEPTEMBER 19, 2023

7:00

Aldermanic Chamber

ROLL CALL

PUBLIC COMMENT

DISCUSSION

COMMUNICATIONS

From: Sam Durfee, Planning Manager

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

PETITIONS

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

UNFINISHED BUSINESS

NEW BUSINESS – RESOLUTIONS

NEW BUSINESS – ORDINANCES

TABLED IN COMMITTEE

GENERAL DISCUSSION

PUBLIC COMMENT

REMARKS BY THE ALDERMEN

ADJOURNMENT



City of Nashua
Planning Department
229 Main Street
Nashua, New Hampshire 03061-2019

Planning & Zoning 603 589-3090
WEB www.nashuanh.gov

MEMORANDUM

Date: July 13, 2023

To: Ald. Lori Wilshire, President, and Board of Aldermen
Ald. Melbourne Moran, Jr., Chair and Planning & Economic Development
Committee

From: Sam Durfee, Planning Manager

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

At the Nashua City Planning Board's regularly scheduled meeting of July 13, 2023 the
Planning Board **voted unanimously to make a favorable recommendation** on this petition
for waiver of school impact fees.

If you have any questions concerning this notification, please contact me at 589-3112 or via
durfees@nashuanh.gov.

cc: Mayor Jim Donchess
Donna Graham, Legislative Assistant
Dan Healey, City Clerk
Scott LeClair, Chair, NPCB

W&B

Winer and Bennett, LLP

Attorneys at Law

June 7, 2023

J. Bradford Westgate, Esq.
Direct Dial: (603) 484-4626
jwestgate@winerbennett.com

HAND DELIVERED

Lori Wilshire, President
Board of Aldermen
City of Nashua
229 Main Street
Nashua, New Hampshire 03060

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

Dear President Wilshire:

I represent Crimson Properties L.L.C., the developer of Covington Place, A Condominium Community. Covington Place, A Condominium Community is a housing for older persons (62 and older) condominium approved as such under the Nashua Land Use Code. Crimson Properties L.L.C. is currently marketing condominium units. The Condominium consists of 12 units in one duplex and one ten-unit building.

Since Covington Place, A Condominium Community is a housing for older persons community, and all of the residents are required to be 62 years of age or older, Crimson Properties L.L.C. is petitioning the Board of Aldermen to waive the public school impact fees.

Accordingly, kindly find enclosed the petition to the Board of Aldermen on behalf of Crimson Properties L.L.C. for a full waiver of the public school impact fees.

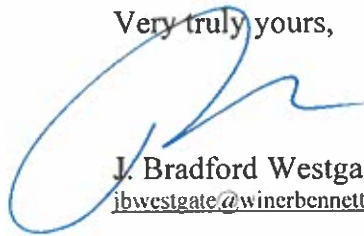
This petition is filed pursuant to Section 190-85 of the Nashua Land Use Code. I understand that the Nashua City Planning Board and the appropriate Administrative Officer (of the Community Development Department) will evaluate the petition and forward written findings and recommendations to the Mayor and Board of Aldermen for consideration.

June 7, 2023
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We look forward to the Board of Aldermen processing this petition and are happy to appear at any meetings of the appropriate Aldermanic Committees or the full Board of Aldermen when the petition is being considered.

Thank you for your consideration.

Very truly yours,



J. Bradford Westgate
jwestgate@winerbennett.com

JBW/BWH

Enclosure

cc: Crimson Properties L.L.C. (w/enc.) (via e-mail only)
Patricia Klee (w/enc.) (via e-mail only)
Daniel Healey, Nashua City Clerk (w/enc.) (hand delivered)
Sam Durfee, Planning Manager (w/enc.) (hand delivered)
Matt Sullivan, Community Development Director (w/enc.) (hand delivered)

CITY OF NASHUA
BOARD OF ALDERMEN

PETITION BY CRIMSON PROPERTIES L.L.C. FOR FULL WAIVER OF IMPACT FEES (FOR PUBLIC FACILITIES FOR EDUCATION) AS AUTHORIZED UNDER SECTION 190-85 OF THE LAND USE CODE

June 7, 2023

NOW COMES Crimson Properties L.L.C., a New Hampshire limited liability company, with an address of 20 Trafalgar Square, Suite 101, Nashua, New Hampshire 03063 (the “Petitioner”), by and through its attorneys, Winer and Bennett, LLP, of 402 Amherst Street, Suite 302, Nashua, New Hampshire 03063, and pursuant to Section 190-85 of the Land Use Code, hereby petitions the Board of Aldermen to waive in full the impact fees (for public facilities for education) imposed by Article VIII of the Land Use Code. In support of this Petition, Crimson Properties L.L.C. (the Petitioner) states as follows:

1. The Petitioner is a limited liability company, organized under the laws of the State of New Hampshire, with an address of 20 Trafalgar Square, Suite 101, Nashua, New Hampshire 03063.
2. The Petitioner is the owner of certain real estate situated at 2-21 Sutton Way (formerly known as 115 Concord Street), Nashua, New Hampshire 03064, shown as Map 48, Lot 49 on the City of Nashua Assessor’s Maps (the “Premises”).
3. The Petitioner is currently constructing at the Premises a housing for older persons community to be known as Covington Place, A Condominium Community, approval for which has been granted by the Planning Board of the City of Nashua (the “Community”). Substantial construction has occurred and marketing of condominium units is ongoing.
4. The Community consists of twelve (12) dwelling units, which will be in one duplex and one ten-unit building, as well as a community building.
5. The two units in the duplex will each have 976 square feet of livable area (1,952 square feet in total for the two units).
6. The ten units in the ten-unit building will each have 984 square feet of livable area (9,840 square feet in total for the ten units).
7. The Community will be governed by state and federal laws and regulations pertaining to so-called housing for older persons (age 62 and older), including, but

not limited to, RSA 354-A:15, VIII(a)(2) and Section 190-42 of the Land Use Code.

8. To qualify as housing for older persons 62 years of age or older under RSA 354-A:15, VIII(a)(2), such housing must be intended for, and solely occupied by, persons 62 years of age or older. Accordingly, school age children are prohibited from residing in the Community.
9. The current rate of the impact fee for a condominium unit in a duplex or multifamily dwelling is \$0.50 per square foot of livable area for each unit.
10. As a result, without an abatement, educational facilities impact fees totaling \$5,896.00 would be imposed on the twelve units in the Community. To date, no impact fees have yet been assessed.
11. Section 190-85 of the Land Use Code provides, in pertinent part, that the impact fees may be waived if the "new development consists of...elderly housing which can be reasonably expected not to require additional educational facilities."
12. In light of the foregoing, in accordance with Section 190-85 of the Land Use Code and based on the provisions of RSA 354-A:15, VIII(a)(2), which prohibit any persons younger than 62 years of age from residing at the Community, it can be reasonably expected (in fact, it is certain) that the twelve (12) units of housing for older persons at the Community will not require additional public educational facilities.

WHEREFORE, the Petitioner respectfully requests that pursuant to Section 190-85 of the Land Use Code, the Board of Aldermen waive in full the impact fees imposable against the Premises.

Respectfully Submitted,
Crimson Properties L.L.C.
By its attorneys,
Winer and Bennett, LLP

By: 

J. Bradford Westgate, Esquire
402 Amherst Street, Suite 302
Nashua, New Hampshire 03063
(603) 882-5157