

NASHUA CITY PLANNING BOARD  
STAFF REPORT

TO: Nashua City Planning Board  
FROM: Matt Sullivan, Planning Manager  
FOR: July 15, 2021  
RE: **New Business - Project A21-0151 Condominium Conversion Subdivision**

**I. Project Statistics:**

Owner: Nashua Housing Authority  
Applicant: Boston Capital Corporation and Nashua Housing Authority  
Proposal: Condominium Subdivision of NR1212 Bronstein Development pursuant to RSA 356:B  
Location: 41 Central Street, Sheet 80 - Lot 89, Zoned "RC" Urban Residence, Ward 4  
Total Site Area: 4.182 acres  
Existing Zoning: RC-Urban Residence  
Surrounding Uses: Residential and Commercial

**II. Background Information:**

The site contains the Bronstein Apartments which is a housing development constructed in the 1970s. On August 6, 2020 the Planning Board approved a site plan for the redevelopment of the Bronstein Apartment Complex. A Site Plan extension is being considered by the Board this evening.

The City of Nashua Land Use Code, under section 190-277, Definitions, provides that a subdivision is "[a]ny activity defined in RSA 672:14."

Further, New Hampshire RSA 672:14 states:

- I. *"Subdivision" means the division of the lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, **condominium conveyance** or building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.*

Section 190-7 of the Nashua Land Use Code, Universally applicable provisions, states that the Ordinance shall not prohibit condominium form of ownership "where it permits a physically identical project or development under a different form of ownership."

Under RSA 356-B:5 in order for a municipal subdivision regulation to apply to a condominium, the subdivision regulations must be made expressly applicable to a condominium division of land via *Bussiere v. Roberge*, 142 N.H. 905 (1998). By referring to the current definition in RSA 673:14 the City's definition of subdivision incorporates the concept that a subdivision includes a condominium.

As a result, the any proposed condominium conversion requires subdivision approval from the Planning Board, though it is not strictly subject to the City's subdivision regulations from a

dimensional or other perspective. Therefore, the Planning Department has not advised the applicant that any waivers are necessary.

### **III. Project Description:**

The proposed conversion results in 50 units within Building A being subdivided into ownership by Bronstein 9% Limited Partnership and 166 units (29 within Building A, 83 Building B, 36 Building C, and 18 in Building D being owned by Bronstein 4% Limited Partnership.

Condominium documents have been provided to the City for review and favorable review of those has been added as a condition of approval.

### **Staff Recommendations and Findings:**

The Planning Board should make a determination that the plan meets, or does not meet the requirements outlined in the Subdivision NRO § 190-138(G). The Board should review these prior to making a motion. If the Planning Board chooses to disapprove the plan, specific reasons should be given. If the Planning Board chooses to approve this plan, staff recommends the following stipulation be made part of that approval:

1. Prior to the Chair signing the plan, all Condominium documents shall be favorably reviewed by Corporation Counsel.
2. Prior to recording of the plan, all conditions from the Planning Board approval letter will be added to the cover page of the final mylar and paper copies submitted to the City.
3. Prior to the issuance of a building permit, all condominium documents shall be recorded at the Hillsborough County Registry of Deeds with a recorded copy to be provided to the City.
4. Prior to the issuance of a building permit, the plan electronic file of the subdivision plan shall be submitted to the City of Nashua.
5. All prior conditions of approval related to NR1212 are incorporated herein and made a part of this plan, unless otherwise determined by the Planning Board.