

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

MARCH 15, 2022

A meeting of the Planning and Economic Development Committee was held Tuesday, March 15, 2021, at 7:00 p.m. in the Aldermanic Chamber and via Zoom which meeting link can be found on the agenda and on the city's website.

The roll call was taken with 5 members of the Planning and Economic Development Committee present: Alderman-at-Large Melbourne Moran, Jr., Alderman-at-Large Michael B. O'Brien, Jr., Vice-Chair, Alderman John Cathey, Alderman-at-Large Ben Clemons, and Alderman Derek Thibeault

Also in Attendance:

Alderman Ernest Jette
Alderwoman-at-Large Gloria Timmons
Matt Sullivan, Planning Manager
Dan Hudson, City Engineer
Tim Cummings, Economic Development Director

ELECTION OF CLERK

Chairman Moran called for nominations for the Committee Clerk for the 2022-2023 term.

ALDERMAN O'BRIEN NOMINATED ALDERMAN THIBEALT AS THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE CLERK

**MOTION BY ALDERMAN CLEMONS TO CLOSE THE NOMINATIONS
MOTION CARRIED**

**MOTION BY ALDERMAN MORAN TO VOTE ON ELECTION OF ALDERMAN THIBEALT AS THE PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE CLERK FOR THE 2022-2023 TERM
MOTION CARRIED**

PUBLIC HEARING

Petition for Rezoning - Gateway Hills off Research Drive (A-798, A-1010, A-1011, A-1008, A-1021)

Gerald Prunier, Esquire

Thank you, Mr. Chairman, members of the Board. For the record. My name is Gerald Prunier. I'm an attorney in Nashua, New Hampshire, with an address of 20 Trafalgar Square. I'm here representing the applicant this evening, the John Flatley Company regarding some rezoning of the property. I think you're familiar with the Flatley property or location of Flatley property in the south end. It's a large tract of land on one side. They have over 200 acres and on the other side over 400 acres.

At the present time, they have apartments in this area here because this is zoned RC. The purple here is zoned Park Industrial. We are requesting this Board of Aldermen is to rezone this piece that I am marking here on the board into an RC. We're changing it from Park Industrial to RC. We intend to construct multi-family residences in that particular area. I forgot to mention I also have with me this evening other professionals that are willing to help to answer any questions that the board or Chairman may have regarding this rezoning.

Our purpose is, again, as I stated to construct some multi-family housing and some townhouses in that particular area. We are prepared to make improvements that will be required of us from the Planning Board for traffic improvements and other improvements that may be necessary from the Planning Board. We have appeared before the Planning Board. They make a recommendation to this Committee and the Board of Aldermen. I think you have a letter dated February 18, 2022 from various members of a staff indicating that they are in favor of the rezoning. I will also state that I think you should have some either minutes of the meeting or a letter from the Planning Board that voted unanimously in favor of the rezoning. If you have any other questions, we'd be glad to answer them.

Chairman Moran

I think if you can stick around for when we turned it over to the Aldermen. Thank you. Now Director Sullivan.

Matt Sullivan, Community Development Director

Good evening members of the Committee. Matt Sullivan for the record - the Community Development Director for the city. Just for clarification on Attorney Prunier's comments, the Planning Board did in fact vote unanimously to recommend. What I would add is just a stipulation. They did do so with consideration given to the staff letter dated February 16, 2022 and the Petitioner's letter dated February 17 2022, which reflected commitments to complete the Spit Brook Road improvements as part of the proposed applications considered.

My comments this evening will be very brief but certainly either myself, Director Cummings, or Dan Hudson who I believe is attending via Zoom this evening are available to answer questions should the Committee have and are certainly willing to participate in a discussion the Committee has as you deem appropriate. I simply want to comment briefly on the fact that as you can see from the February 16th letter, staff didn't formally memorialize their comments and concerns related to the proposed rezoning of the area contemplated by the Flatley rezoning petition. Specifically as part of that letter, we identified three overall concerns with the rezoning and the general development of the Flatley properties that I want to quickly overview.

Number one, we wanted to urge the Committee and the Board of Aldermen and certainly the Planning Board as a subsequent actor to carefully consider what the appropriate offsite mitigation is for the proposed rezoning. One of our critical concerns is although the applicant or the petitioner has committed to the improvements as part of the Planning Board process, we feel that the compounded impacts of the development of the Flatley properties weren't - those improvements being required by the Aldermanic process and the rezoning directly rather than leaving that for the Planning Board to consider as part of their application.

Number two, we have continued to urge the Aldermen and certainly the Petitioner to consider supporting a development agreement that codifies within the zoning ordinance a clear, and precise, and predictable vision for how the future development of the Flatley owned properties will be done, both for the Petitioner's interests, and also for the city, and the abutters interests reflecting that they have an open conversation about what development work will occur.

And third, we have urged that a master development concept plan be developed that generally and in an amendable fashion reflects the proposed uses and the extensive the uses on the properties not only contemplated by this rezoning application but also subsequent developments of the Petitioner and the owner. Again, I want to urge that Director Cummings, Mr. Hudson, and myself are available to answer questions that you might have. I want to note specifically though that we do not object strictly to the proposed rezoning and the multi-family units and townhouses proposed as part of this rezoning petition and what will subsequently be a Planning Board action. But we do want to caution I think this Committee on and certainly provides some concern around is the fact that we want there to be a transparent conversation with the city and the public about what the long term development of the Flatley owned property actually looks like. We believe that those concerns should be addressed as part of this process. I want to thank you for your consideration of our letter dated February 16th of these remarks this evening and we are happy to answer any questions that you may have.

Chairman Moran

Thank you Director Sullivan. You probably also can hang around a bit?

Matt Sullivan, Community Development Director

Sure.

Chairman Moran

So what we'll do next is members of the public in the chamber who are for it and against it will speak first, and they'll go to Zoom, and then we'll rotate, and we'll go from there and get through this day and listen everyone's concerns. Is there anyone in favor who'd like to speak? If anyone on Zoom wants to speak if you can raise your hand. Just your name and address for the record, please.

TESTIMONY IN FAVORReverend Sally Newhall

I'm Reverend Sally Newhall. I live at 33 Digital Drive in Flatley here in Nashua. I am a member of a group of clergy here in Nashua. We call ourselves "The Interfaith Housing Justice Group" and we've been very concerned and in

conversation with leaders of the Nashua staff about our concerns making sure that there's enough affordable housing in Nashua. I think the Flatley property obviously does need to be developed. We have a great need in Nashua for more housing as I think you're all aware of.

One concern I have and what I'd just like to inject at this point in the planning process rather than down the road is that inclusionary zoning plan which is approved and is great aims at 80% AMI. I'm hoping that as the Flatley property is developed, that they will also include property for folks who live at 50% of AMI and then our Housing Trust Fund will be able to help make that possible. So I wanted to put that before the Planning Board and I guess your Planning and Economic board tonight so that we've often discovered that when we come up our ideas, you tell us it's too late in the planning process. I'm hoping this is early enough in the planning process that you can take it into account. Thank you for your time.

Chairman Moran

And just for the record were you opposed or in favor?

Reverend Sally Newhall

I think the property needs to be developed. That's what I said. That's for, isn't it?

Chairman Moran

In the middle. All right. So somebody opposed?

Peter Silva

I'm not necessarily opposed. I can't really see the map. I live on Batesville Road. My name is Peter Silva. I'm not really sure where the proposed land is going to be developed.

Alderman O'Brien

Mr. Chairman, point of order. The honorable gentleman who used to be a State Rep. but when he comes up to the microphone he has to identify himself with the address for the transcript purposes because the person won't know who was actually speaking.

Alderman Clemons

One other point of order as well. The way the public hearings should be conducted are that you take testimony in favor anyone who wants to come up and speak in order. Then opposition, then in favor again, then an opposition and not back and forth.

Chairman Moran

Perfect. Collaboration is great.

Peter Silva

He answered my question. Peter Silva, 8 Batesville Road.

Chairman Moran

Alright and as you heard, I made a mistake which I own up to and we'll have you speak in opposition then we'll go back to the way it's supposed to be.

TESTIMONY IN OPPOSITION

Peter Silva

That was my main question. I wanted to see where it was because I was confused. I had never saw the map before but it was just explained to me. So I'm good for now. Thank you.

TESTIMONY IN FAVORChairman Moran

Alright, so we'll go back to in favor. Is there anyone on Zoom that would like to speak in favor raise your hand? Anyone left in the chamber who would like to speak in favor?

TESTIMONY IN OPPOSITIONKristie Hart

My name is Kristie Hart. I'm on 9 Dustin Drive. My neighborhood is currently at risk of being infiltrated by a Flatley development. I intend to express my concern when that final meeting happens but some of those concerns do trickle down into concerns with rezoning this property. A 58 unit subdivision approximately 116 new vehicles are going to be put in at an area off of Exit 4. I strongly believe that these new vehicles will create an issue with Nashua traffic around Exits 1 and 4 since all new residents will be funneled to only one entry point. I anticipate that Ward 8, which is my Ward, Ward 9, and potentially Ward 6 residents will feel the brunt of this development.

If this rezoning gets approved, it will put a nail in the coffin for the whole area because these 58 units will be will reroute people who ordinarily get off Exit 4 to Exit 1. This will worsen Exit 1 Bicentennial Elementary School area, the Shell Station, etc., people on Harris Road will all get backed up. So if rezoning this property is approved before even seeing the aftershock of the new units, Exit 1 will be impossible. Nashua can't handle more residents stuffed into this spot.

Furthermore, the positive stigma that comes with living here will likely no longer be relevant. Commuting to Boston will become more difficult. The convenience of shopping will actually become extraordinarily difficult to navigate through in area you'll probably want to avoid if possible. Schools and teachers will become more burdened in the rural city cross atmosphere that we have developed here will be gone because you'll enter Nashua and you'll just see buildings. Nashua becomes more like Manchester if this becomes approved and less of what we're kind of hoping to develop. Thank you.

Allison Dyer

Hi Allison Dyer, 9 Squire Drive. I'm kind of in the middle on it because I just started reviewing the plans for it. I think I'm kind of concerned with the scale and the density of what the developers are bringing forward. I'm hopeful that you would consider a wider more vast traffic study as the housing development appears to be insular with just one way in one way out. I feel maybe detrimental without some good roads and pass to the other areas. So getting around can take an unnecessarily long time causing congestion and some safety issues for the children and families that are in these neighborhoods.

Additionally, I'm not sure I can find in the paperwork do know if there are any easements with property because as many of you know, easements don't necessarily have to be written into the deed to exist though there could be negative easements to the current new long-term residents of this area whether utility and necessity are prescriptive. I see in the reports that the police and fire are mentioned, but I did not see any in depth analysis of what the local community impacts may be like. Are there storm water impacts that will be realized, about the impacts on the local school enrollments, is there adequate water and sewer infrastructure available to meet the new demand? I just think some more work needs to be done here for a real thorough and cohesive plan between the developers and the current residents of this area of our city. Thank you.

Laura Colquhoun

Hi, Laura Colquhoun, 30 Greenwood Drive. I'm not I'm not sure if I'm for it or against it. I am very concerned about the traffic and I don't think that anybody can really make a judgment call at this point until we have a further study of the traffic that will be in that area and how it's going to affect the other neighborhoods. When you put that kind of a building in, there's going to be a lot more traffic. It's going to stop people from enjoying you know what Nashua is all about. So I would prefer that we have Flatley do an actual study on the traffic there and, you know, maybe have more roads. Maybe Flatley we'll have to put in more roads so that it's not backed up into other areas. I just think what planning has to be done before anybody can say yes or no. I thank you.

Chairman Moran

Thank you Ms. Colquhoun. Anyone else opposed? All right. Back in favor, you want to add some stuff and it just again,

your name and address for the record?

TESTIMONY IN FAVOR

Gerald Prunier, Esquire

My name is Gerald Prunier. I'm an Attorney for the applicant and my offices are at 20 Trafalgar Square in Nashua. I want to speak because I want to - it's difficult for me to speak with certain issues when Matt Sullivan has not been here very long and is not aware of the whole history of what's been going on with the Flatley Company. So I want to bring you up to date on some of the things that were discussed by Matt. The purpose of that is I would not like to see any type of zoning have conditions upon it with the conditions that they are looking for which the Planning Board will take care of. They can take care of those conditions if it's rezoned. They will then not only know what's going in so they can require the improvements that are necessary.

But one thing was mentioned about mitigation. I've been around almost 50 years. I've been around this area. I've been doing this in Nashua since the late 60s. There's always mitigation at the Planning Board. There's always traffic improvements that have to be made. All of these things and we've already done the traffic report ready for to do this and we're ready to do the traffic improvements if the City of Nashua would let us do it before we even go in for a site plan. That's what I think Matt indicated that there was a letter that we would do the improvements.

The second thing was mentioned about a developer like me. Well this is the third rendition of a draft development agreement that was with the city. We've been working on a development agreement for a while then Sarah left and it sort of came to an end. We're very close, especially since you passed the ordinance was affordable which doesn't have to be included in the development agreement any longer because the development agreement would be subject to that ordinance. So this has been going on for some time. I tried to educate Matt with a little bit this afternoon and I think that he and I will get this resolved as an issue very fast.

Then about the Master Plan. Well there's a copy of the Master Plan. This is within the city files. We've given the city this. Again, this has nothing to do with Matt because he probably hasn't gotten that deep in the files yet. But here's a copy of another plan that we put in. So these plans are in the city.

Chairman Moran

Can you send this to us as well or we can get them from the city? Oh no, I don't need it now. If you can send us a copy of PDF to Donna Graham and she can share it with all the Aldermen.

Gerald Prunier, Esquire

Sure.

I just want to let you know that while he hasn't been sitting on his hands, we've been trying to take care of the issues that the city has had. We're going to be very close but Sarah left and now I've got hard nose Matt to deal with. And so I would like if you're going to pass the ordinance, that the ordinance would be passed clean and let the Planning Board take the issues with the things that need to be done for the city to afford those plans that we want as far as the multi-family housing in the RC zone. Thank you.

Chairman Moran

Are you for or against this?

Joe Gardiner

Well, I have a very simple question here. I live in Nashua. It's 3 Spindlewick Drive. Are these going to be rental units?

Chairman Moran

If you could just state your name as well with your address?

Joe Gardiner

I did. Joe Gardiner, 3 Spindlewick Drive in Nashua.

Chairman Moran

Thank you.

Joe Gardiner

And my question has to do are these going to be rental units?

Unidentified Male Speaker

I believe there are going to be rental units.

Unidentified Male Speaker

The answer is yes.

Joe Gardiner

All of them?

Unidentified Male Speaker

Well we'll clarify that too. Thank you.

Joe Gardiner

Well can the lawyer answer that?

Chairman Moran

When we move to end of public comment, I'll ask both the Petitioner and Director Sullivan that question Mr. Gardiner.

Kevin Walker

How you doing? My name is Kevin Walker. I'm with the John Flatley Company. I just kind of want to clear up some of the questions that we've heard so far. I think a couple of the folks are actually talking about a single family subdivision that we have far north of this that has nothing to do with what we're talking about tonight. That includes 50 single family house lots.

What we're talking about tonight is rezoning the portion between Tara Heights and 100, 200, and 300 Innovative Way to RC. So I just wanted to clear that up with the Committee just so we're all on the same page. But we've got a couple of comments regarding a different project that has nothing to do with what we're discussing tonight.

Chairman Moran

Thank you. Anyone else in favor? Going once, twice. All right. Mr. Sullivan. This will be opposed I assume?

TESTIMONY IN OPPOSITION

Matt Sullivan, Community Development Director

(inaudible) hard-nosed Matt for the record. Matt Sullivan, Community Development Director. I just want to be - and this is something that was actually within our letter. The rezoning simply rezones the property. It does not bind the Petitioner to do the specific development that is contemplated and proposed within the petition. So the applicant has clearly demonstrated that they want to do just below 300 units. They can either do fewer. They can do more potentially. They may change the development form that's being discussed within the petition and so I just want to be clear that your

support or your recommendation does not bind them to do a specific form of development. It simply gives them the right to do the multi-family that they're contemplating here. So I just want to point that out.

So the question about will these be rental or ownership units? That ultimately will be reviewed by the Planning Board at a subsequent time. This really just is the key that opens the door for them to do a specific development forum.

Chairman Moran

Thank you Director Sullivan. Anyone else opposed? Going once, twice. All right. Having hearing no one else opposed and having gone through the public testimony. I would say the public hearing is declared closed at 7:26 p.m.

Regular Meeting

ROLL CALL

The roll call was taken with 5 members of the Planning and Economic Development Committee present: Alderman-at-Large Melbourne Moran, Jr., Alderman-at-Large Michael B. O'Brien, Sr., Vice-Chair, Alderman John Cathey, Alderman-at-Large Ben Clemons, and Alderman Derek Thibeault.

Also in Attendance:

- Alderman Ernest Jette
- Alderman-at-Large Gloria Timmons
- Alderman John Sullivan (via Zoom)
- Matt Sullivan, Planning Manager
- Dan Hudson, City Engineer
- Tim Cummings, Economic Development Director

PUBLIC COMMENT - None

COMMUNICATIONS

From: Matt Sullivan, Community Development Director
 Re: Petition for Rezoning – Gateway Hills (A-798, A-1010, A-1011, A-1008, A-1021) – Joint Economic Development, Planning, and Engineering Communication

There being no objection, Chairman Moran accepted the communication and placed it on file.

Without objection, Chairman Moran accepted a communication that was received after the agenda was prepared.

From: Jeanne C. Deacon
 Re: In opposition to Petition for Rezoning - Gateway Hills off Research Drive

There being no objection, Chairman Moran accepted the communication and placed it on file.

PETITIONS

Petition for Rezoning - Gateway Hills off Research Drive (A-798, A-1010, A-1011, A-1008, A-1021)

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND GRANTING THE PETITION FOR REZONING

Alderman Cathey

Legislative inquiry. Mr. O'Brien you said approval of the Petition. Wouldn't that be approving the Petition without discussing it?

Alderman O'Brien

Reading the script and basically the recommend granting the Petition for Rezoning.

Alderman Cathey

But we have to discuss recommending it before we...

Alderman O'Brien

As by parliamentary procedure now that a motion has been made, you are allowed to discuss the motion.

Alderman Cathey

Okay. All right. So that's what we're doing now?

Alderman O'Brien

Mr. Chairman to help out, I think Alderman Cathey would like to speak. So after the motion has been made, may I recommend/suggest then you go further discussion on the motion.

Chairman Moran

Right, got it, thank you. Go ahead.

ON THE QUESTION

Alderman Cathey

I would like to call up a few members just to ask a few questions if I may. Mr. Sullivan I have a clarifying question. You mentioned about the act of the rezoning versus other actions that will be taking? Is it my understanding correct that the Planning Board can or cannot attach other requirements to a rezoning or it's a very strict process of rezoning or not rezoning?

Matt Sullivan, Community Development Director

So two processes to think about here. The Planning Board is a referral body within the rezoning process and so as part of that referral to the Planning Board that took place in the month of February, the Planning Board makes a recommendation to the PEDC and subsequently to the Board of Aldermen relative to the rezoning. That's the motion that I referred to where they acknowledged the staff letter of February 16th. That was the only condition, if you will, that they recognize within their referral role.

Subsequently if this rezoning is ultimately approved or even if it's not, any development activity within the portion of land being considered will ultimately require the review of the city's Planning Board as part of a site plan review application, or subdivision application, or the like. As part of that review process under their statutory duty, the Planning Board may attach additional conditions or stipulations. They may perhaps address traffic as part of those stipulations and adequately mitigating traffic associated with the proposal that they review at that time. But there are two independent processes and so the answer is yes. The Board can attach stipulations at the site plan side of things and they can make a recommendation that has conditions as part of the rezoning process.

Alderman Cathey

Oh, great. Thank you. I appreciate that. Mr. Chairman, if I may. Was it Jason? Jason you mentioned that you travel and do traffic studies?

Jason Plourde, VHB

Yes. For the record, Jason Plourde, VHB, 2 Bedford Farms Road in Bedford, New Hampshire. Thank you.

Alderman Cathey

Can you speak to the traffic questions that came up in the public comment session?

Jason Plourde, VHB

Sure. So I don't want to kind of mix different projects together but the one that was referenced was off of Timberline Drive, East Dunstable Road and that's where that other area is. That's not going to be connected here.

Alderman Cathey

Right? I'm thinking more of the Exit 1 Spit Brook Road.

Jason Plourde, VHB

I just want to make sure that I'm addressing the correct questions. So as far as what we've done is we've prepared a trip generation letter that was dated August 8, 2019. So this has been going on for a while for contemplation as far as taking a look at this area and really determining what would actually take place on this sketched out area. It could be constructed research and development space versus what we're contemplating right now, which would be some residential.

Now if you think about the area in question, this whole area is pretty much office research development where more people are coming to this side of Spit Brook Road in the morning rather than leaving as a residential would. So the traffic patterns would be different, right. So you have everybody coming in in the morning that are trying to get to work, and then they stay there all day, and then in the afternoon they come home. And that's typical of research development what this zone is currently allowed to occupy on the site. I'm not saying that it's proposed to be occupied by anything at this time. It's really just talking about rezoning this section.

So I'm comparing what could be developed on the site research and development space versus what could be on here for residential. The residential traffic patterns are completely different than office and research and development where people are trying to leave the area in the morning and come back in the afternoon, which is totally different. So it kind of mixes in well with the existing uses out here today. If it is residential, it has a reverse travel pattern as what is currently zoned for with like a research and development space. Did I answer your question? I want to make sure that I'm addressing it.

Alderman Cathey

No that's helpful to know about the different traffic patterns. I don't know how familiar you are with all of it. What are the primary concerns of more residential traffic being in that area and how that stresses or doesn't stress the Spit Brook Road area in question?

Jason Plourde, VHB

So one of the items that is being contemplated that we're proposing to do is if you look at Spit Brook Road at Tara Boulevard that signal there - on the south side is Villa Way - so it's a signalized intersection. Going right along if you're going eastbound kind of headed toward Exit 1 you know you're passing Pressed Cafe and that strip mall there. You have an exclusive left turn lane that goes on to Tara Boulevard. You have a single through lane that's coming across the intersection. But on the other side of the intersection as you're continuing eastbound toward Exit 1, you have a two lane receiver. So there's kind of like a little bit of an imbalance. You have one lane that's opening up into two lanes.

What's proposed is to be able to provide an additional through lane prior to the signal so that's a continuous cross section going in the eastbound direction. So you'd have a left turn lane and two thru lanes whereas the outside lane at the curb would be, you know, you'd be able to go straight through or actually turn right onto (inaudible) as well. So what that does is that provides more capacity in the intersection. What does that all mean without getting too technical. If your traffic volumes are not changing going eastbound through that are heading toward the interchange and they're in one lane today and that volume doesn't change, you're going to provide them with two lanes. They need less green time to be processed through the intersection because you have two lanes now carrying the same amount of volume as opposed to one lane. So that means that green time can be saved and given to different approaches and make it more efficient as far as the operations of the intersection.

Alderman Cathey

Great, thank you. I appreciate that.

Chairman Moran

Anyone else have a question for the speaker?

Chairman Moran

I have a question for the speaker. You're working on both developments the other one as well that Ms. Hart?

Jason Plourde, VHB

I am.

Chairman Moran

I think the overall theme was they're concerned about both being built close together and they would impact each other even though they are two separate developments. I think I just want to be fair to Ms. Hart.

Jason Plourde, VHB

Oh, absolutely. So I mean we're here tonight just to talk about the rezoning not about the traffic impacts. That's definitely going to be something we take a look at. We're already preparing a traffic study for that other development. We do not trigger the warrants the traffic impact report threshold warrants for a traffic study for that development because it does not trigger the peak hour or the daily thresholds for a traffic study. That's based on the city's guidelines.

However, we're still putting together a traffic study. We're working with the City Engineer and the City Traffic Engineer putting together the scope. We've had a neighborhood meeting, you know, just to be able to identify what the issues are and we're taking a look at that. We're in the process of preparing that right now. So we are moving forward with that. I just didn't want to muddy the waters by mixing the conversations in when we're just talking about rezoning this portion. That project is underway as far as the traffic study is concerned for that other development.

Chairman Moran

Thank you. So no other questions for the speaker? Thank you.

Alderman Clemons

Thank you, Mr. Chairman. So hearing everything and knowing how the process works, I am in favor of this being rezoned without any stipulations by the Board of Aldermen. I think that's why we have a Planning Department. That's why we have a Planning Board and I think that we have to have faith in our zoning laws and we have to have faith in our Planning Board to do the right thing.

The question to me is do we want residential in that section? And that's the question that I'm answering tonight. For me, I think it's a good opportunity to open that up. We need more residential areas in the city. I think the fact that there is a company willing and ready to do that, you know, gives us hope that we'll be able to meet some of our capacity needs that we've identified in the Master Plan. So I'm in favor of doing this, but without any restrictions. I think that the Planning Board should be the ones to look at the individual plan. So whatever that may be whether it's this, or if they change it to something else, that's fine.

Alderman Thibeault

I got a few things. Thank you, Mr. Chairman. I got a few things but I'm going to start with asking if our own city traffic Engineer Dan Hudson can speak a little bit to this plan that we got because I believe he at least looked at the traffic plan or maybe actually is the one that worked on it. I don't know if Mr. Hudson can speak. I know you're here.

Dan Hudson City Engineer

Yes, I'd be happy to, thank you. Dan Hudson, City Engineer. I like others I'm not opposed to this development or even this rezoning but I have a lot of unanswered questions. I think Jason described accurately what one of the proposals we talked about which was adding an eastbound through lane on Spit Brook Road. I attended my first meeting on this project before I was officially employed here back in late 2019. That's about the time the trip generation memo that's reference was

developed. A lot has changed since that time. Some things have been developed in accordance with what was envisioned and some things haven't. So there's a lot of unanswered questions.

For a couple of years, we are working through developing a development agreement and we're trying to develop a framework where there was surety around some of those things. So I don't know. It's unfortunate that that kind of hit a pause and maybe that will be addressed as part of the Planning Board process, which is fine. But it's well known. Spit Brook is a busy road. We do need housing. More housing will add traffic. So there will need to be some mitigating measures and some have been referenced. But as they say, the devil is in the details so I look forward to working through those details as the official proposals come forward.

Alderman Thibeault

So you said you mentioned - and I knew it because I have the proposal - but you said the trip generation was done back in 2019. So now we're talking, you know, three years ago. We've seen like, you know, BJs gas station approved, no problem, no traffic, and then there was traffic, and now there's even more because of the gas prices. So you know, I'm just trying to understand that are we doing something else before - say we approve it and then it goes to the Planning Board and they approve it? Will there be another traffic study or are we really going to rely on the one from 2019?

Dan Hudson, City Engineer

When it goes to Planning Board, I for one will be requesting a full traffic study for whatever it is proposed. Presuming it will be just under 300 units that's been talked about but as Mr. Sullivan noted, it could be something different. So yeah I would expect that will be studied as part of the Planning Board process in detail.

Alderman Thibeault

Thank you.

Chairman Moran

Any other questions?

Alderman Jette

Thank you, Mr. Chairman. So I'm not on this Committee but when I read the letter from Mr. Sullivan, Engineer Hudson, and Director Cummings, I'm looking at the final paragraph - the recommendation. Forgive me for reading it but "should the Board of Aldermen via the referral from the PEDC and the Planning Board choose to approve the proposed petition for rezoning, we recommend that any such approval shall be made subject to a condition that the city and applicant enter into a master development agreement. Such agreement would provide a permissive regulatory environment for the proposed development and appropriately mitigate the off-site impact of the project, including but not limited to traffic improvements on Spit Brook Road and wastewater disposal upgrades as necessary. The agreement would also be based upon a master development plan that could be amended from time to time, but would guide the development of the Flatley owned properties in the Gateway Hills area. Further, we recommend that the Board of Aldermen delay any action on a petition until such time as the staff demonstrates support for the rezoning based on the recommendations contained herein."

So I read that to the three staff people telling us that they would - it sounds like they want us to delay this. If it's going to be delayed, I'm a great believer in committee work as you heard. I wouldn't want you to send it to the full Board of Aldermen and expect further work to be done on this there because as you saw the other night, it's not the best way to vet legislation.

Now I've got great respect for Attorney Prunier and when Attorney Prunier - he's been doing this longer than I have - when he says that, you know, zoning is zoning. You can't attach conditions to it. You can't expect other things are going to be done. That, you know, he says, is appropriately the job of the Planning Board. So what he's asking us to do is say, okay, yeah we're going to change this from Park Industrial, which doesn't allow multi-family housing to Residential C, which does allow multi-family housing. So once we do that, then they'll make a proposal as to what they're planning on doing for multi-family housing on that land and then it would go before the Planning Board.

Now, I also have great respect for Mr. Sullivan. He may be young, but I'm very impressed with the work that he's done for the city so far. He's saying that conditions can be attached. I certainly am not able to know who's right. I don't know if the Committee feels it can make that decision but would it make sense to involve our city attorney to help guide us. What's right? Is the zoning question like Attorney Prunier points out just a question of do you want this to be RC zoning or do you

want to leave it as Park Industrial? Do you think we need Park Industrial land and for it to remain that way? Or do you feel that, you know, we need more housing. This is a good place to get it so we ought to change this to Residential C to allow that housing.

Now the details of whatever project they want to put forward would then go before the Planning Board. So Attorney Prunier is saying we can't put conditions on it. It's either yes we recommend the zoning change or we don't. I would like to know from Attorney Bolton, you know, is that right? Is that our sole purview here or your sole purview and when it gets to the full Board, I'll be participating. Are we just deciding whether it should be rezoned or not and then leave these other things to go before the Planning Board? Or is Mr. Sullivan correct in that we can attach conditions and we can require, you know, a master development plan to be formed before we make the decision about the zoning. So I guess we could say, well we're not prepared to change the zoning until you have a better idea, you know, bigger picture as to what's going to happen there. But so I think I've probably talked long enough.

Chairman Moran

Very reasonable logical Alderman Jette.

Alderman Clemons

Thank you. With all due respect to Alderman Jette, I think the real question is whether we want to attach any conditions to it. Personally, I wouldn't want to see this do that because I don't see us being the place - this isn't the committee or the forum for that type of thing in my opinion. The Planning Board is. So unless we want to introduce legislation to get rid of the Planning Board, I would suggest that we just pass this zoning change if that's what we feel we want to do and leave it to them to look at any individual plan that may come up. Maybe I'm more laissez-faire than most people.

Alderman O'Brien

Yes thank you, Mr. Chairman. I hear what Alderman Jette is saying but if the question before us is to rezone it from Park Industrial to Residential, to me it's somewhat of a no brainer when particularly you look at access. Now from Spit Brook Road the accesses off of Digital Drive. There's already at development there. So if it remains as Park Industrial, I'm sure the people who live there in the residential format do not want trucks going up and down their street. In the same token, looking at Timberline Drive, which is also the back entrance to that area, that is also residential. And again, I don't think they would like to have commercial vehicles up and down.

So the thing is it probably started in the early 80s and perhaps even earlier to be Park Industrial but looking at it now since the inception of Timberline Drive, I remember when Timberline Drive didn't exist. We're talking an area where I used to fight brushfires and some of them were pretty big but the thing is, it's changed. I remember Clearview and Erion when that was, you know, desolation but it is now a residential neighborhood. So I think we should carry on and I think the question basically is just rezoning this evening and looking at it. I think the interpark industrial, that day is gone. I think we ought to carry on with the residential. Thank you.

Chairman Moran

Thank you Alderman O'Brien

Alderman Cathey

Thank you, Mr. Chair. This might be slightly off topic, but I did want to address it just because a member of the public asked and so I thought it fair to at least come up with answer if we can. They talked about the inclusionary zoning and we I know we pass an ordinance for inclusionary zoning. So it sits where it sits now. I'm fairly certain, but there are people that are wiser than I in the room that could speak to whether or not you could change the AMI of the inclusionary zoning, if that's even a possibility. But I'm pretty sure that will require further legislation to do that. So it's not necessarily in line with what we're doing in this particular process affecting this particular development, but maybe developments down the road just because we just can't change the AMI because it's an ordinance driven structure. Am I correct in that process? Does anyone know?

Chairman Moran

We don't have Attorney Bolton here to answer a question. I don't want to...

Alderman Cathey

I did want to put it out there. So it's on the record. I'll look into it myself and try and figure that out.

I did have another if I may. To Alderman Clemons' point, I understand. I'm on the Planning Board and when they spoke about it, they respectfully did not attach a recommendation because they felt that that was outside their purview at that given time and then they kicked it up to us to allow us to attach recommendations that we wanted to. I'm not necessarily against approval without a stipulation. My preference would be if we're not going to have any requirements attached that there'll be some note or notice to the Board of Aldermen and subsequently the Planning Board about these types of discussions that that would be something that needs to be heavily looked into. Because if you do read the letter, our Planning Department has sort of already spoken about this and that is their recommendation as a whole. They would like us to look at requiring certain things and as the PEDC as part of the Board of Aldermen, it sort of falls on us to figure that out.

Obviously, there are some questions as Alderman Jette mentioned to Attorney Bolton that we may be stepping outside of purview we may not. So we may need to table to clarify that first but the preference would be to attach a stipulation because that's our job. Now, obviously, we could pass it. If you go to Zoning Board and when they present a development, we could attach requirement there it could be but if we have the opportunity to do that now or at least make the Board of Aldermen and the Planning Board aware for the future, I would prefer that. So I don't know if you can notate that footnote. I don't know how that process works but that's where I'm at.

Alderman Thibeault

Thank you, Mr. Chairman. Since this is my Ward, I'm going to take a few minutes to say a few things. So I just want to say, you know, Matt may be young and hard nose, but he's doing a great job back there. So thanks, Matt.

So I don't really understand I guess why it was kicked up to us just to determine if they can go from Park Industrial to Residential. I mean isn't that something the Planning Board should decide? Like why are we deciding that I guess? I don't know and maybe that's something I need to learn why it would be kicked to us just to decide that. So why would I get into the issues of my Ward if that's the only thing we're really looking for because something's going to be built there. It's just deciding which thing?

I've done a lot of work on this. I've talked to Matt and Tim about it. I've went to Bicentennial School to figure out if we had an influx of children - way more than what they're saying. Could they take those kids to school and Principal said, yeah. The problem is pickup line and drop off line backups up Spit Brook down Spit Brook. So that's a problem that, you know, I would want addressed. I know we've talked about traffic and I think Flatley had said that they would do traffic work that they said they didn't have to do. So I think that would be helpful too.

But, you know, the one thing that kind of bothers me about the whole thing is I took this job and before I took this job, I met with the Mayor. The Mayor said Flatley doesn't have a master plan. I met with Tim and Matt - Flatley, they haven't had a master plan. They never had a master plan for that whole area. I met with Matt again. Flatley doesn't have a master plan. I met with Kevin Walker from Flatley. I met him in his office off Spit Brook to go over this proposal that we got and he said, no we don't have a master plan. And then like a surprise in a TV show, Attorney Prunier comes on and goes yeah, I got a master plan right here and then he pulls out a big thing. I got a master plan right here. So my warning - people who are listening to me right now who I've been saying to them, no I've been trying to get a master plan. We don't have one. They're looking at me going he's not being upfront with us. I absolutely am and you can talk to everybody else I just mentioned. Never a master plan has been mentioned. In the last Planning Board if I remember correctly, Director Sullivan did say or somebody else did say on the Planning Board - I think it was the head of the Planning Board - said we would like a master plan. So that is a stipulation, I think, to doing this whole development because what happens if you have 400 acres that still needs to be developed, including that 58 home development off Shadowbrook, and Spindlewick, and Timberline, we have to know what the whole plan is going to be because at the end of the day, it's going to take up water resources, and school resource, and traffic resources. If we keep doing this piecemeal, what's going to happen is we're not going to know that impact and then all sudden it's all built and the neighborhood is a mess. And so that's why we stress so much that we need a master plan. We need to know what's going to go in there. Again, you know, you gave us this great proposal and you know, I was happy to read it and it's out in the notes today. Anybody can go into the meeting and look at it.

Like Director Sullivan said, it doesn't really mean anything. One - it's three years old, and two, you guys could just throw this out and do something completely different. So those are the concerns I have. I'm all for affordable housing. I don't think honestly, I don't think Flatley would go down to 50% if they could. If that's allowable, I don't think they would go down.

We'd have to make a law or something or an ordinance. But I do believe we do need affordable housing. We do need something built but I just want to make sure we're thinking about everything that we need to before we just throw this up there because it impacts that whole area. To Alderman Clemons' point, if that's not what we're here to debate tonight, we're just here to debate the zoning piece of it then I guess there's no real reason to go any further. I hope we can talk about this in the future but if it just goes to the Planning Board and the Planning Board decides what to do, then it's out of our hands. So I've said what I've said and hopefully that clears my thoughts up on it.

Alderman O'Brien

Thank you, Mr. Chairman. We've had this come before Infrastructure many times and it does get a little confusing the chicken or the egg. But keep in mind to avoid spinning the wheels, Mr. Sullivan is here in this room. So if the Chair does allow, I would recommend that both Mr. Sullivan and Mr. Cummings come up, have a seat in the chamber particularly and they could give a report and answer to Alderman Jette's concerns into all our concerns. In other words, our resource is right here.

Chairman Moran

Thank you Alderman O'Brien. Why don't we have you two both come up and have a seat.

Alderman Clemons

Thank you. Just to answer one of Alderman Thibeault's questions. So the Board of Aldermen creates the zoning maps. So we're changing the maps because the Planning Board can't do anything without the Board of Aldermen's authority to change the map. So that's the reason that question is here and that's essentially what the crux of it is. We're changing the map. I think Director Sullivan probably will want to change the map with a condition on it but I'll let him speak to that.

Chairman Moran

Director Sullivan you've been treated quite harshly tonight. Hopefully, the remainder of the day won't be as harsh.

Matt Sullivan, Community Development Director

Would you like me to speak to some of the questions that have arisen? So let me first actually address the inclusionary zoning question that arose a few minutes ago. An amendment to the requirements for the thresholds to the inclusionary zoning can only be achieved one of two ways. One being an action by the Board of Aldermen to actually amend that section of zoning. The other being a clear requirement within the development agreement that the Board of Aldermen ultimately approve. So those are the two mechanisms that we could actually bring those AMI thresholds down to 50% for a given development or for the community as a whole.

Speaking specifically to Alderman Jette's comments about the legality of adding conditions to a rezoning. I'm certainly not an attorney and so I don't want my comments to be treated as legal advice, of course, but my understanding is that conditions can be attached. It is somewhat unusual to do so but they can be added. What I would recommend specifically as part of the memo that was written is that if the Board of Aldermen or the PEDC are interested in pursuing those conditions, those would actually be provisions of zoning that will be added to the RC District that's being contemplated this evening. So it actually would be codification within that district that would achieve those goals. That would be the best mechanism to do that. I believe there are other questions that have arisen. Those are the two that I want to speak to directly to start the conversation but thank you Alderman O'Brien for inviting us up and thank you Mr. Chairman for having us for some discussion.

Chairman Moran

Director Cummings do you have anything to add?

Tim Cummings, Economic Development Director

No. Thank you very much. I want to note for the record that Director Sullivan was called "hard-nosed". For the first time ever, I wasn't referenced as hard-nosed. I feel like this is a special evening tonight.

Matt Sullivan, Community Development Director

And talented.

Tim Cummings, Economic Development Director

Talented - very talented and young.

If I may Mr. Chair, I do want to just address one point that was discussed earlier because I believe it will help provide some clarity to the overall conversation. If you were to look at this as a linear line, zoning would be first along the line. Then what traditionally happens after the zoning changes is you have the site plan review process. That would be the next step in the line and then you have other permitting processes that typically happen as you go through the land use approval process. What specifically the staff is asking for is actually something that is pretty common in communities that allow development to occur, which is we're looking for a development agreement and we're looking on some sort of agreed to parameters because we're doing this zoning change. So as you're looking at this linear line, what Director Sullivan is suggesting, and what I've recommended in the correspondence that you have before you, is that before you get to the site plan process, you insert another obligation which is that a concept plan and a development agreement be agreed to before you gain access to the site plan review process.

So when you're asked why are we here to actually do that, it's because it's this body that has the jurisdiction and the purview to actually insert those types of conditions to create that type of process. Because if you allow it to go forward absent that, you're then just going straight to the site plan process. I believe Alderman Cathey asked a very specific question as to whether there was strict criteria for review. My answer to that would be during a site plan process. Absolutely. Some of the criteria that we'll be looking for in that zoning language might not be actually permissible in a site plan process, which is why you do it during the zoning review process. So those are some of the reasons why we felt it was important to have at least staffs comments on the record. Ultimately as the policymakers, it's your decision to do with this as you wish. I just have an obligation to point out to you that I believe the City of Nashua deserves better when it comes to development. Some of the way other communities are actually achieving that is by doing these sort of things and so I wanted to just make sure it was clear that these are some of the suggestions to improve upon the language that's before you because I do think that this is a good development. I overall think we should be pursuing this but I just think it needs to be done in a right way. Thank you.

Alderman O'Brien

Thank you and to that answer Mr. Sullivan or Mr. Cummings. You bring up a very good explanation but we're here looking for advice on this particular. We're the policy committee granted but, again, we're not into the zoning and we're not into the planning. We don't know the traffic and everything else. So with that in mind to really throw the dart right at the bullseye here, would your recommendation is to pass this tonight and then work on it at a later date or would your recommendation would be to table it until additional study could be done on this particular bill? We're looking for that professional input. I mean we are the policy but we're looking at you as the experts on a particular matter.

Tim Cummings, Economic Development Director

Yes. My recommendation would be is you table this evening until there's a language that could be agreed to to allow for some of the elements that I've discussed previously to be included in the zoning otherwise, I don't know if you'll actually be able to achieve some of the goals that we've articulated.

Matt Sullivan, Community Development Director

I would just add - I also believe there is a legal question that's been raised this evening that we could pause it to Corporation Counsel for guidance on relative to the addition of conditions to a rezoning. Certainly we could seek the advice of Corporation Counsel on that as well as part of those discussions.

Alderman Thibeault

If I could ask a question of either Director Sullivan or Director Cummings. So the master plan that Attorney Prunier put out there today have you guys seen it and does it fit? If you have seen it, does it fit what you guys were looking for in a master plan?

Matt Sullivan, Community Development Director

I'm happy to answer that first. I have not seen that plan but I want to be clear. Attorney Prunier is absolutely correct. I do not have the history with this property that others have and certainly not that many in the audience have. I don't believe that I have seen that plan. That may be based on my research and not the applicant's efforts. So I have not seen it but there may be reasons for that.

Tim Cummings, Economic Development Director

I don't know. I would need to look at it closer before I answered that. I have seen plans over the years but the critical element there is there's actually nothing to hold that plan accountable, which is ultimately what we're driving it.

Alderman Cathey

Oh yes thank you, Mr. Chair. To Mr. Sullivan's comments about codification. Are you then saying that the codification would apply to all of those zones across the city and not this specific area that we're talking about? So we strike some sort of development agreement attached to the rezoning, then we're going to have to deal with this if we have a development across town that it might not be applicable to that particular situation?

Matt Sullivan, Community Development Director

The answer is no. There are two strategies to achieve it. I would direct it specifically to the geography that's being discussed not only as part of this rezoning but also as part of the Flatley owned properties generally. There are two mechanisms for that either as sub language within the RC District or the creation of a new essentially an overlay to overlie the RC Districts that would encompass these properties.

Alderman Cathey

Okay, great. Thank you.

Alderman O'Brien

Thank you. Mr. Chairman courtesy to others here. I'm about ready to go into my parliamentary whirlwind here. So everybody is all set with their questions before I start. Okay.

Mr. Chairman, I'd like to be recognized to withdraw my Motion to recommend granting the petition for rezoning and if I may be recognized for a motion of a higher power?

MOTION WITHDRAWN

Chairman Moran

So recognize.

Alderman O'Brien

Okay, thank you, Mr. Chairman. I would like to make a motion to table this particular matter to have a further review.

MOTION BY ALDERMAN O'BRIEN TO TABLE FOR FURTHER REVIEW

Chairman Moran

Discussion?

Alderman O'Brien

You can't discuss tabling. That's why I...

Alderman Cathey

Are there questions allow for tabling?

Alderman O'Brien

No. Once the table - that's why I asked because parliamentary and as a point, excuse me, may I have personal privilege to...

Chairman Moran

Yes.

Alderman O'Brien

Thank you. It is parliamentary procedure but once a tabling motion, that's the highest priority motion. You cannot discuss a tabling motion. So that's why I asked. If you really have something to say, I could withdraw the table but the purpose is once you have the tabling motion, there's no discussion. Even me explaining this at some risk.

Chairman Moran

Parliamentary inquiry?

Alderman Jette

So you can make parliamentary inquiries. So if you're not sure what the...

Alderman O'Brien

Table you traditionally go right for the vote.

Alderman Jette

Right but you can make a parliamentary inquiry.

Alderman O'Brien

You could do a PI if you want to.

Alderman Cathey

That's what I was getting at – a PI “parliamentary inquiry” Mr. Chairman.

Chairman Moran

Yeah.

Alderman Cathey

When we table when we say for further review, do we have to be specific about the review we're looking for? Because I know we want to talk to or we want to get Corporation Counsel involved, or some other processes that we want to address. So I didn't know how specific that tabling motion needed to be or if we just table it and then we figure it out later?

Alderman O'Brien

Good question. I think the Chair and if he wants help with this, I'd be willing to help you know and everything but basically, this is what the Chairman would do. Do some of the background homework, have communication with Director Cummings and of course with Mr. Sullivan - principles in this particular matter, and then after bring it back – they'll bring back like I said the other night at the Infrastructure/PEDC meeting. Right now we've got an empty plate. The Chairman will try to put something on the plate that we'll be able to, you know, look at and to discuss. So bring it back and you'll have something.

Then the traditional vote then at that particular time by the Board would be to remove from the table and to discuss, you know, whoever is bringing forward to particular changes.

Chairman Moran

Thank you. PI for myself, I don't mind doing that. I will do that and get clarification from Corporation Counsel and speak to Director Sullivan, Director Cummings, and I'm very supportive of the tabling motion at the moment. So we'll do a roll call or everyone is present so we can go by voice vote. All in favor of tabling the petition for rezoning signify by saying aye.

MOTION CARRIED

DISCUSSION

- Economic Development – update on various projects

Tim Cummings, Economic Development Director

Yes if I may, Mr. Chairman and I know we're getting late into the evening here. I'll keep my comments brief. I wanted to come before you really to start a conversation and I'm sharing my screen here. Again, Tim Cummings, Director of Economic Development. I wanted to come before you this evening to really start a conversation. I'm not looking to get any answers this evening but I've spoken to some of you individually but I thought it would be good to also just come before you and ask you basically what are you thinking for some new projects and some new ideas that the Office of Economic Development should prioritize?

We are finishing up some projects that were highlighted as priority projects, particularly the Performing Arts Center and the School Street development are well underway. Rail was, you know, another priority project for us that is continuing on, it's mainly a State level driven process. Obviously, we would still be committed to doing that but I wanted to as we started a new session have a conversation with you all as to what maybe you'd like to see my office work on. So that is the point of this evening's conversation. I think that if you could either this evening tell me a little bit about what you'd like to see prioritize for economic development or if you'd like to individually meet with me to discuss it, I'll come back. I will summarize, develop some additional priorities as highlights. We work on many different things. By no means what I'm suggesting here would be the only things my office would work on. Of course, we have a lot more things that we work on than just this but special priorities that really will help improve the economy and the community of Nashua is what I'm really trying to get at here this evening.

So with that being said, I thought also it might help to kind of talk a little bit about some general updates on some projects that I'm currently working on that you all may hear about. A lot of the projects I work on are highly visible and sometimes sensitive. I know you're asked often about these individual projects and so I'm always available to provide status updates, and give you the latest in terms of what's happening, and I welcome always input to try to craft a better project or program to advance the community here in Nashua.

First and foremost, the Elm Street Middle School. You may have seen recently an advertisement where we're going to have a Town Hall meeting March 30th. I want to make sure everyone is well aware of that. That's where the architects and the consulting team will be participating virtually with the community and we are encouraging virtual participation, though there will be a physical location for the meeting here in the City Hall auditorium. We're going to be seeking input from the community. We did this very similar to the Millyard concept plan. We had a community meeting about a month and a half ago where we had a similar type of interaction with various stakeholders to specifically talk about the NIMCO property as we get ready to look at developing plans for both projects. Both have been expressed as priorities.

The Elm Street Middle School is one that I am particularly sensitive to because it is a very highly visible and I think there's some strong sentimental attachments to this property. So I really am trying to encourage strong public participation, as well as trying to get some clear direction as to what the community really wants to do with that land and that building. The Keefe Auditorium is there. I have heard along the way that it seems to be a preference that this community has to preserve the Keefe Auditorium and so I've given that clear instruction to the consulting team already. What we've learned is to do that, there may be some capital costs associated with that endeavor and I want to make sure this community is well aware of some of the obligations that may be coming about if we so endeavor to do that. So again, the Elm Street Middle School March 30th. It's the start of the project.

Millyard concept plan is underway. We had one Town Hall type meeting. We'll probably have another one in a couple of weeks. We're making good progress on that. The consulting team is really working internally to develop what I believe

has resonated to the top and this is subject to change, but it looks like it will be recommended as the highest and best use for that land as a multi-family type of development. There'll be more to come on that NIMCO property.

The Performing Arts Center, which we now refer to as the Nashua Center for the Arts, is well underway construction wise. I'm getting reports that the schedule is slipping a little bit. Nothing dramatic. We were expecting a fall opening. I think we're probably looking more at a December opening right now. We're on budget and we're really getting through the toughest parts of the construction project right now. From the hard construction, we'll be moving more into equipment and fit up type construction as the spring moves along. Again, we are still bogeying an opening for some time in calendar year 22 but I think it will probably be December as we originally were anticipating somewhere in early fall.

Downtown Riverfront TIF continues to move along. We are under permitting for that project right now. The Board of Aldermen approved a contract for VHB to do the environmental permitting. That is well underway. I'm hoping that we will have all our permits in hand by the end of the summer and we would look to start construction actually in earnest come this fall but you may see us do some early release packages that don't require permits sometime this summer. I'm pretty excited about that because I know that that's been a project that's been long along the way and I'm glad to be able to tell you that there's been some forward movement on that recently.

Last update I wanted to give you as quickly is the Mohawk Tannery. So this has been a conversation that has come up through the community on and off over the last five or so years. There is still a development team led by Bernie Plante. He's recently brought in a co-developer Thorndike Development. Some of you may know him because he expressed an interest in the development in the north end of the city. A very well respected developer to help him along in the project with this project. They are making strong inroads and putting a financial plan together. I'm having almost weekly phone calls with them to develop a plan that I think the Board of Aldermen, the City of Nashua, and ultimately the developers will find as a positive solution. It is definitely not a win for everyone. There's going to be a lot of compromise here but it does look like there's a pathway forward to get the site cleaned up and to put housing on this site. So there'll be more details in the coming weeks and months on this project but it's one that has been slowly coming together and it's sped up only within the last two months or so. I wanted to just really put that on the radar for folks because I know we haven't really talked about it in a really long time.

I'm sure there's other updates I could provide you. So I want to kind of stop there and ask you all if you had specific economic development or community development related projects that you wanted to hear about. I wanted to obviously touch upon them if there was something of interest.

Chairman Moran

Thank you, Director Cummings. I just have one question when we met – it feels like a year ago now, a couple of weeks ago I talked about the micro grant idea. I can't remember is that your department or?

Tim Cummings, Economic Development Director

So I'm going to answer that two ways. Yes so depending on the funding source you use, CDBG is the more traditional place which would fall under Community Development with Director Sullivan for those micro grants. That typically happens actually at the Board of Aldermen level. You'd really see that through Human Affairs and CIC. What would typically happen is, and we're in a little bit of a hybrid system right now because our really well respected Urban Programs Manager left the city. Her name was Carrie Schena. So we're in the process of replacing Carrie. I don't know if she can be replaced but nonetheless, we're trying to. But what would happen is the person in that position would put a call out to the departments and the various departments would submit various projects or programs that would be coupled together and basically put people in this body with a list of other projects. Usually those come from outside City Hall. So I say that to you because I would submit a request for \$50,000, whatever that number is, to the Urban Programs. They would then go through and get it approved and then if it was successfully approved, they would come back to me and say the money will be available. Typically they go through the approval in the spring. The money doesn't come available until the following fall - so November, and then you'd start an application after that money was available in that November, December time period.

Chairman Moran

Just for clarification, I was suggesting to Director Cummings in our meeting of getting to know the Directors, micro grants, forgivable grant, or it would turn into a loan when the person sold their home to replace old furnaces, and upgrade energy efficient stuff in low income to moderately priced people's homes.

Tim Cummings, Economic Development Director

And so again, what I was specifically talking about is CDBG. That would also be an expenditure that I think that our Housing Trust Fund could actually take on as well. That would be another avenue that we could pursue to deliver the same goal. We're in the midst of developing the specifics on that Housing Trust Fund that we just created and we just got the inclusionary ordinance adopted that will provide us the funding. So I would think in the coming months, you're going to start seeing us come before the various committees here at the Board of Aldermen with some of these proposals.

Chairman Moran

Thank you, Director.

Alderman Cathey

Thank you, Mr. Chair. I'm happy about Elm Street. I'm really excited about the (inaudible) be there. I think that's going to be a pretty cool thing.

Just a few things. One, do you have any updates on Costco where we're at with them? And I mean, we're still just in the legal system right now.

Tim Cummings, Economic Development Director

Yup.

Alderman Cathey

Mr. Chair a follow up?

Chairman Moran

Yes.

Alderman Cathey

Okay. I've had people talk to me about multi-use zoning in the DW area, specifically maybe down by Trader Joe's referencing Londonderry Commons where we could build some residential space above those buildings. If you could speak to that and give us some insight into that particular type of development.

Tim Cummings, Economic Development Director

That's a great question and I would want to pull in Director Sullivan to kind of have this because it goes hand in hand with a lot of what he does. I think the DW corridor, as well as Amherst Street, but specifically for this conversation, the DW corridor is ripe for mixed use development and in particular becoming a little bit more pedestrian friendly to allow and encourage that type of development. We should be looking to put the infrastructure in place to encourage that type of development. I know City Engineer Dan Hudson is on right now. We have internally started talking about this. The State actually has a transportation project in their 10 year plan that actually talks about the DW becoming a little bit more pedestrian friendly. All of these things are starting to come together. So a recommendation I would make to move this along would be some of the planning studies that I've been doing specifically with the Millyard or with the Elm Street Middle School. We may want to for short money produce a plan just like that to actually have a more specific conversation in a little bit more granular detail than we did at the Master Plan level. That would help inform a lot of our decision making. Those are called "corridor studies". Very common and it would be the next step I would recommend us taking if there is an ambition by this community to look at mixed use in the DW corridor. I think it's well time to this potentially rail coming in as well as the mall.

The million square foot shopping mall that's owned by Simon inevitably is going to change over the coming decades. It would be good for this community to be prepared for that, and to start to anticipate some of those changes, and have a plan in hand so we could capitalize on it.

Alderman Cathey

Just one more follow up. Thank you. I appreciate it. To the main point, I did have a developer contact me because I'm in that Ward and ask for information about buying the mall. The thing I wanted to mention is do you have any - this is sort of like slightly adjacent or off topic but there were talks of Amazon going into Hudson. Do you know where they're at with that because obviously that's gonna affect traffic in Nashua. Has Nashua been talking about that, looking at that?

Tim Cummings, Economic Development Director

No. I can tell you Amazon is always looking. I can tell you I talk to Amazon regularly. I know Amazon is looking at another part of the city for distribution but nothing in the DW area at this time.

Alderman Cathey

Okay, thank you.

Alderwoman Timmons

Thank you. Hi, Tim.

Tim Cummings, Economic Development Director

Hello.

Alderwoman Timmons

I've been sitting over here listening. Well if you don't mind Chairman there's multiple questions, but I'm just gonna do two. All right. One is I don't know where Mohawk Tannery is located. We is it?

Tim Cummings, Economic Development Director

Sure. Great question. If I may. Mr. Chair, I'll pull up my GIS system here if you give me a second because that's a great question. I can talk a little bit about what I refer to as the Mohawk Tannery in case folks aren't familiar with it. I apologize. I kind of went into the conversation thinking everyone understood what I was saying by the reference. So I am just pulling up to the GIS right now. I'm sharing my screen so if I use the term "Little Florida" to you, would you be familiar with that?

Alderwoman Timmons

Yes. I know exactly where that is.

Tim Cummings, Economic Development Director

So it would be the most westerly end of little Florida. What I'm showing you right here is essentially the land area. So it's specifically where my arrow is right here, it's this property. Now to the just the North right here is referred to as "Fimble Door". That was a former company that's no longer there and they own this and that would be part of the development as well. This is formerly the Broad Street Parkway. We now call it the "Veterans Memorial Parkway" right here. But essentially it would be this land here which is approximately 40 acres and it housed the Mohawk Tannery at one time. It is an environmentally very sensitive area that I know the city has had a keen eye on it over the years. In fact, I believe the city on their own endeavor actually spent money to demolish some buildings and help to try to stabilize the area for the community's benefit.

Chairman Moran

Do you have a follow up question?

Alderwoman Timmons

Yes, it's not on the Mohawk Tannery. However, I do have a lot of young people in my family, a lot of kids. This is absolutely nothing to do in Nashua. We talk about everything but some type of arcade or something them between 18 and 25 age group. Okay. Can you speak on that?

Tim Cummings, Economic Development Director

I can't speak on it this evening but I can absolutely add it to the list of potential ideas when I'm talking to developers. They can explore. I think what I'm hearing you say is like a Dave and Busters concept.

Alderwoman Timmons

Yes.

Tim Cummings, Economic Development Director

I definitely have heard that and I think that that would be a welcomed addition to Nashua. So I get asked by developers from time to time what would the city like and I'd be happy to put that idea in front of them.

Alderwoman Timmons

I have one other question Chairman. Okay. Seeing a lot of my constituents are seniors and they feel left out. They don't have adequate housing, affordable housing, you go on and on that they're complaining about? So all this development we're talking about, what are there for senior citizens say 60 plus or 55 plus? Do we have anything in the cost of to increase housing for them or anything for them? I know we got the Senior Center. That's just one little avenue for them but there's a lot of baby boomers here.

Tim Cummings, Economic Development Director

Okay.

Alderwoman Timmons

They're asking questions too. What are you going to for us? I have no idea.

Tim Cummings, Economic Development Director

Fair enough.

Alderwoman Timmons

I just want to know what is in the cards for building affordable housing for seniors or housing - I know that's not a good - you guys are all young and you don't think that way. They think that way and they vote.

Tim Cummings, Economic Development Director

Yeah understood and yes and I understand that particular point. The first comment I would make is all our housing would be open to any senior. We are not precluding seniors from, you know, buying into Nashua but I think specifically what you're asking about is affordable housing and particularly affordable housing for seniors, which I know has been a priority for the Housing Authority and I know it's a priority for us. We are slowly and we need to do probably a better job but we are working to try to address those issues. I think over the coming year, you're going to see some various proposals that will hopefully help, but by no means will solve the problem.

Chairman Moran

Anyone else? No. I also have no questions. Thank you so much, Director Cummings.

Tim Cummings, Economic Development Director

I do want to just say I had a conversation with Alderman Sullivan and he was on a little while ago. We had a really cool conversation about maybe we could market the city a little bit more. I thought that that was a great idea and so I wanted to kind of bring that to you all and develop maybe some strategies where we could potentially market the city.

He also mentioned, and I agree with him, we need to talk about Daniel Webster and Amherst Street a little bit more than maybe what we've talked about in the past. I hear that and I think, you know, it'd be welcoming conversations to that

regard. I know over the last few years I've spent a lot of time focusing on the downtown and I want to note for the record, we got through this whole conversation without talking about Main Street. So I think that's I think that's pretty good. But nonetheless, I think we have still more to do in the downtown but we have definitely helped turn the corner with all the efforts and investments we've been making. The way I know this is I'm actually seeing developers making their own private investment. Good example, SURF on their own volition because they saw that the development that was occurring on Main Street said I need to do something and they're on their own dime decided to actually spend money to improve their own building and invest in themselves. So I think that is wonderful. That makes me really happy to see as an Economic Development Director.

But I bring this up because I do think we should be starting to look at other corridors and asking ourselves where do we want to develop? How do we want to develop? Let's follow the Master Plan that was developed. But that was the start of the conversation and we have some areas that we could focus on. Just off the top of my head off of Amherst Street, we have the former "Walmart site". That's a big area where we could potentially get some development.

Unidentified Male Speaker

Or Building 19 would be good to focus on. Is that Walmart?

Tim Cummings, Economic Development Director

Yeah, that's Walmart. That's the same site. Exactly. That's off the top of my head. So anyway, the corridors, the Amherst corridor, the DW corridor, they're typically owned by very sophisticated real estate professionals and so they're not going to need some, you know, young punk like myself like interfering with them but we could definitely figure out ways to help them facilitate conversations, work with them strategically for the city's benefit and for their benefit so.

Alderman Clemons

Yeah just in response to the comments about marketing the city. When I was first elected to the Board of Aldermen in 2008, we had the end of my first term we had a – it was on a branding initiative that the Mayor at the time was very much for. We actually came up with a new brand for Nashua. Unfortunately, our current Mayor was elected to the Board of Aldermen in place of myself and he killed that initiative back in the day. So I'd be very surprised to see if you had any forward moving on that or at least any support from the corner office on that. Of course times change, people change but there was a lot of money sunk into that project. I want to say it was \$50,000 to \$100,000 was sunk into that project probably in 2011 and unfortunately, a new board was elected and it faced a lot of resistance. The marketing effort that were supposed to take place never did it and, you know, Nashua I think was set back by it.

I do believe that we should be marketing our city. I do think that we should make Nashua and Main Street and downtown a destination. I think we have opportunities with our casinos to do the same types of things. So I would be open to that and I would be cautiously optimistic to see where the administration would stand on such an endeavor.

Tim Cummings, Economic Development Director

Yes, thank you. My recommendation would be is we would be very strategic in our marketing plan and approach. The first thing I will tell you from an economic development perspective, you get very little return when you market. It's very a municipality, a community, it's, you know, the statistics will tell you it's about a 10% return on all the money you invest. So, you know, one out of 10 times or 10 out of 100 times you might have some sort of success. I say that to you because the metrics around it would need to be very loose to claim success but I do think, and I've seen this done in other communities, where you can be very strategic in your marketing where we were very targeted in our approach, and I'm just going to make this idea up, I've heard that we are really coming together to be a little bit of a brewery destination. If we could put some money, some token amount of money to help the seven or so breweries to get on the map so maybe people come and walk to the various breweries and do some brewery tours. That is going to take a public effort to kind of do that type of marketing campaign. But you could yield dividends in doing something very strategic like that for, again, what I would suggest would be short money that could have enormous potential. One - helping brand the city in a certain way, and two - helping some small businesses, you know, achieve a little bit more of the market share.

Chairman Moran

It's wonderful that you say that because I wanted to open a brewery recently and I was stopped by my wife. She didn't want one of us brewing. She'd rather stick to counseling. But we know brewery tours are great. People come all over. Anyone else have any questions? All right. We'll move on.

UNFINISHED BUSINESS – None

NEW BUSINESS – RESOLUTIONS - None

NEW BUSINESS – ORDINANCES - None

TABLED IN COMMITTEE - None

GENERAL DISCUSSION

Alderman Thibeault

I just got a couple of things. So I just want to make sure it's clear that I'm for affordable housing. I'm for housing. I think at the end of the day we have to listen to our experts and, you know, Director Cummings and Director Sullivan thought it was good idea to table it. I also felt, you know, a little bit betrayed is probably too strong word but (inaudible) Flatley surprises us with a master plan that I don't probably think is the real master plan we're looking for and puts it out in public that everybody think there's a master plan when it really isn't. You know that kind of set me off. I really think that we're trying to negotiate things with good intentions, right, to benefit all, right? To try to make this city a great place to live and we do need more housing but it being my Ward, I also have to make sure that I'm fighting for the people in that Ward. I have to balance that out. So I wanted to make sure that I have to look at it differently than I may look at other Wards. I just wanted to say that I am still for affordable housing and housing in general I think we need more of it. Research and development is probably not the way to go.

And the last thing I just want to say because we have a ton of people here, right? I just wanted to say that the Ukraine flag raising this afternoon was amazing. Ton of turnout. A ton of good yet we heard the Ukrainian Anthem, which I know Alderman Jette will tell you it was awesome. I thought it was a really good event for some people who are struggling in their country and some people who have family back there. It was emotional and it was very solemn hearing them pray. I just wanted to throw that out there that it was a good event. Thank you.

Alderman Jette

Yeah, if I could. I've been a lawyer for a long time. I've been before the Zoning Board. I've been before the Planning Board. I don't think I'm telling Alderman O'Brien anything he doesn't already know. I've seen many developers promise the world and reassure the Planning Board and the Zoning Board that everything is going to be wonderful. After the permit is granted if it's not in writing, if it's not specific, if you cannot hold them to the specific language that you've incorporated in it, it's never gonna happen. I'm not picking on any one developer. I've just seen it from a lot of them and I'm not saying people who appeared before us tonight are guilty of that but just as a general rule, it was said about a lot of things, you know, make sure you get it in writing so that it can be enforced. Thank you.

Chairman Moran

Thank you for that. Anyone else?

Alderman O'Brien

Thank you, Mr. Chairman. Alderman Jette I agree with you. I mean many years in the past, we've seen many development, particularly in the early 80s. This city basically grew up. When I came up here in the early 80s, they rolled up Main Street at six o'clock at night, except for one night and one night only and that was Thursday night. I'm sure Alderman Jette remembers "Meet you at Millers" was a catchphrase of one of the stores and everything. But then there was a building boom and I think a lot of things did get out of control such as maybe better traffic signals or looking at this. So I do appreciate you bringing that and that's why I encourage Director Cummings and Director Sullivan to try to get the lawn dart on hit it on the bull's eye because what are you recommending? So let's work and see what we can get for the future and what we can carve out and I agree with you. So thank you for bringing that up.

Alderman Jette

You're welcome.

Alderman Clemons

Just briefly. I tend to approach these things a little bit differently. I'm a hands off type of person. When I was the Ward Alderman for Ward 6, there was a number of developments that came up, including one within literally my own backyard that several of my neighbors wanted me to go and speak against and I refuse to do it because I believe that we have a Zoning Board. We have a Planning Board for a reason. I think that those folks need to do their job and their due diligence and we need to put our trust in them. If I wanted to be on the Planning Board of the Zoning Board, I would have asked the Mayor to appoint me. So it's just the way I look at it. Thank you.

Alderman Cathey

Thank you Mr. Chair. To echo Alderman Clemons sentiments. I tend to be less regulation heavy person as myself but having been on the Planning Board and having to hear this discussion already, in my opinion, I think it's helpful to let the subsequent meetings and committees that are going to hear this know where we stand. I'm more of a protectionist. So I want to make sure it's in writing and all the legalese is signed rather than and I want to do that as quickly as possible and as soon as possible in the process if that's going to happen. If it's not, then Alderman Clemons said, "hands off".

Also I wanted to mention good job first meeting. Good to go. We'll all get there. And then what is the difference between general discussion and remarks by Alderman since we're on the topic?

Chairman Moran

Let me try to answer and I'm sure people will chime in. I think where general discussions talking about what was talked about tonight and then general remarks might be just a general thing.

Alderman O'Brien

We could probably eliminated it. Sometimes I skipped over it because some Aldermen morph into anyways. I looked for additional comments, none. Then I skip over the second one because I think everybody had their say.

Chairman Moran

Yeah, I'm hoping that we get to the end here and no one has any more comments.

Alderman Cathey

Yeah, no, I'm just learning the process knowing what's going on.

Alderman O'Brien

It's on the script. I hate to call it "a script" that people got to say oh the script but it's actually an agenda. So it is part of me calling it a script, but it's on the agenda and that's why it gets mentioned.

Alderman Clemons

So it's actually a little bit more. I mean we're very informal, especially when you have a meeting that goes like this and there's nobody here. But general discussion is generally for things that maybe came up in the meeting that you want to discuss, a different topic, or something for the next meeting and it comes before public comment. The reason it comes before public comment is so that the public who may be here can comment on it, add to it, add a suggestion. So if we say, you know, Director Cummings I really like your idea about Elm Street School, you know, maybe we should add this part to it. If we say that in general comment, somebody else from the public can piggyback off of that, add to it, make a suggestion.

The Remarks by Alderman are sort of our opportunity, if you will, to respond to public comment. They're also our opportunity to get a final word in because we are the elected body and we should have the final word. So that's sort of why there's two periods. I kind of agree with Alderman O'Brien in that you don't necessarily have to be strict. You definitely have to have a second public comment period no doubt about that but we don't have to necessarily be so strict to follow it. The Chairman has a lot of latitude. I will say you have done a great job.

Chairman Moran

So far.

Alderman Clemons

It's a tough - I've been there before. I've chaired many committees and it's not an easy task when you're doing it for the very first time. So you did a good job.

Chairman Moran

Appreciate that.

Alderman O'Brien

Just one thing to remind everybody that tomorrow night is going to be continuing to work session group of Infrastructure with PEDC, you know, this Committee has. So it's going to be upstairs in the Chamber immediately following – because several members have to dual duty immediately following the Finance Committee meeting. That's it.

Chairman Moran

All right. Any other comments?

Alderman Jette

When Alderman O'Brien says upstairs in the Chamber, is he talking about this one?

Alderman O'Brien

The auditorium.

Alderman Jette

Thank you.

Chairman Moran

I just have one final thing to say that, in general, I think its okay when questions come up to get clear and guidance and ask questions before jamming things through. We don't need to send everything up to the full Board without vetting stuff and following process. So I'm glad that we tabled this tonight so we can get some clear answers and then come back, work it out with the Directors, and then send it back to BOA with an approval either way, or no approval, or what stipulations. So I do appreciate Alderman Jette making those comments earlier today and other Aldermen who mentioned the same, especially the passionate Ward 8 Alderman. All right.

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN - None

ADJOURNMENT

**MOTION BY ALDERMAN O'BRIEN TO ADJOURN
MOTION CARRIED**

The meeting was declared closed at 8:50 p.m.

Alderman Derek Thibeault
Committee Clerk

Graham, Donna

From: Sullivan, Matthew
Sent: Monday, March 14, 2022 3:33 PM
To: Graham, Donna
Cc: Cummings, Tim
Subject: FW: Petition for Rezoning - Gateway Hills off Research Drive

For PEDC.



MATT SULLIVAN
COMMUNITY DEVELOPMENT DIVISION DIRECTOR, CITY OF NASHUA
603.589.3095 | SULLIVANM@NASHUANH.GOV
P.O. BOX 2019 | NASHUA, NH 03061-2019

THE RIGHT-TO-KNOW LAW (RSA 91-A) PROVIDES THAT MOST E-MAIL COMMUNICATIONS, TO OR FROM CITY EMPLOYEES AND CITY VOLUNTEERS REGARDING THE BUSINESS OF THE CITY OF NASHUA, ARE GOVERNMENT RECORDS AVAILABLE TO THE PUBLIC UPON REQUEST. THEREFORE, THIS EMAIL COMMUNICATION MAY BE SUBJECT TO PUBLIC DISCLOSURE.

From: jeanne deacon <[REDACTED]>
Sent: Monday, March 14, 2022 3:14 PM
To: CD- Planning Dept <PlanningDepartment@nashuanh.gov>
Subject: Petition for Rezoning - Gateway Hills off Research Drive

CAUTION: This email came from outside of the organization. Do not click links/open attachments if source is unknown.

I am writing in opposition to the rezoning at Gateway Hills off Research Drive, a Flatley project. This would further negatively impact nearby neighborhoods. Ward 8 is already over-populated. There is not much land available for park or green space. Ward 8 does not need more rental units that do not contribute to the property taxes, which are already high. The impact of additional building will, indeed, cause more traffic at Exit 1 (Spitbrook Road), Daniel Webster Highway, and Exit 4 (East Dunstable Road) As evidenced by the approval of the BJ-s Gas Station on Daniel Webster Highway, this appears to have been a poor decision. The traffic produced by a slightly lower gas price has brought drivers from all over New England. More cars are from Massachusetts. This is what happens when a project is not well planned.

Please consider the negative impact that this rezoning will potentially produce.

Many thanks.

Jeanne C. Deacon
20 Clearview Drive
Nashua, NH 03062
[REDACTED]
[REDACTED]