

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

MAY 17, 2022

A meeting of the Planning and Economic Development Committee was held Tuesday, May 17, 2022, 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 4 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

Members not in Attendance: Alderman Derek Thibeault

Also in Attendance: Alderman Thomas Lopez
Alderman Alex Comeau
Alderman Ernest Jette
Alderman Richard A. Dowd
Tim Cummings, Economic Development Director

PUBLIC HEARING

O-22-011

AMENDING THE ZONING MAP BY REZONING LAND SITUATED NORTH AND SOUTH OF LAKE STREET AND WEST OF PINE STREET FROM LOCAL BUSINESS (LB) TO LOCAL BUSINESS WITH MIXED USE OVERLAY DISTRICT (LB/MU)

Alderman Clemons

Point of order. We may want to introduce the legislation first and then take the testimony.

Alderman Dowd

Yes.

Alderman Clemons

So have an explanation of the ordinance and then do testimony.

Chairman Moran

Does anyone have an explanation on the ordinance?

Alderman O'Brien

Is Mr. Sullivan on line?

Alderman Clemons

Well I know that the prime sponsor is here and I see the Economic Development Director.

Chairman Moran

My apologies. Alderman Comeau?

Alderman Comeau

Sure. I don't have any notes in front of me but basically there is a vacant lot at the corner of Lake Street and Pine Street and the associated property across the street which is currently known as "Lake Street Garage". So that lot on the southwest corner has been vacant for quite some time. This rezoning would allow a mixed use overlay on top of the

current LB zoning which would allow future discussions about potential development on the site, which I think most people would agree anything on that site would be an improvement over its current use which is a vacant lot.

Chairman Moran

Thank you Alderman Comeau. Is that good?

Alderman Clemons

That's sufficient for purposes of the public hearing.

Chairman Moran

I really do appreciate it Alderman Clemons. I don't know where my head is at.

Alderman Clemons

That's okay.

TESTIMONY IN FAVOR

Paul DeCarolis

Good evening. My name is Paul DeCarolis. I'm a lawyer at the law firm of Gottesman and Hollis in Nashua and represent the applicants regarding the application to rezone the property from LB to LB with the Mixed Use Overlay District.

As you know, it's at the corner of Lake and Pine Streets. Historically it's been for many years the Lake Street Garage for repairing cars and years ago pumping gas. We think this is an appropriate property to have it rezoned for the Mixed Use Overlay District. The way that we got here at this point is that when the owners were thinking of selling the property, they met with the staff here at the Planning Department to come up with different solutions and ideas that they could use for the property. The staff referred them to private parties. They ultimately met with the applicant – CPC – who then met with the staff again and ultimately the staff made the recommendation that this would be an appropriate site for the Mixed Use Overlay District. I think that's appropriate for several years, particularly if you look at the purposes of the Mixed Use Overlay District which is to promote the goals, and objectives, and strategies adopted by the Master Plan to assist the conventional underlying zoning and Land Use Regulations where modification is appropriate to protect value and efficiency of operation surrounding properties for example and just some of the examples. What it does is that it will open up the property for a variety of different uses, including multi-family, elderly housing, community facilities, retail, restaurants, professional office space, schools, private daycare, nursery for example.

Once it's in that zone, then it then is up to the Planning Board who then would make the decisions as far as any waivers or variances needed regarding the underlining ordinances, height, density, and all that. That's one of the reasons why the staff recommended that this would be an appropriate zone because there are so many different variances that would be required for any development because of the configuration of the lot.

Alderman Cathey

30 seconds

Paul DeCarolis

The Planning Board when site plan is submitted, then we'd have to take into consideration by ordinance – by the mixed use overlay ordinance would need to make sure that the proposed use co-exists with surrounding properties, it's impact on the surrounding neighborhood, including health and safety impacts, economic and property value impacts, traffic, and parking. That is consistent with the overall goals of the Master Plan.

Some of the benefits of doing it this way by having the Mixed Use Overlay District is that it's basically one stop shopping. The Planning Board has the authority and control under the Ordinance to – has the absolute say over the development as far as setbacks, distances, requirements, site distances, and that sort. This would also allow for increased density and additional housing units which the Master Plan has acknowledged is one of the goals of the Master Plan is to increase the

housing. It also allows for the redesign of a corner that’s been a problem when you come south on Pine Street at the corner of Lake Street because of the configuration there and the proximity to the building to the corner. This would solve some of those problems as well.

We agree with the staff that this is the appropriate site for rezoning. You may know that this went to the Planning Board recently and the Planning Board made a unanimous recommendation in support of the rezoning. We would ask that likewise that this Committee makes its recommendation to the Board of Aldermen in support of the rezoning. Thank you.

Chairman Moran

Thank you.

TESTIMONY IN OPPOSITION - None

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION – None

The public hearing was declared closed at 7:08 p.m.

The regular meeting opened at 7:09 p.m.

Regular Meeting

A meeting of the Planning and Economic Development Committee was held Tuesday, May 17, 2022, at 7:08 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 4 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

Members not in Attendance: Alderman Derek Thibeault

Chairman Moran

Again for the record, Alderman Thibeault alerted me that he would not be able to be here tonight.

- Also in Attendance:
- Alderman Thomas Lopez
 - Alderman Alex Comeau
 - Alderman Ernest Jette
 - Alderman Richard A. Dowd
 - Tim Cummings, Economic Development Director

ROLL CALL

PUBLIC COMMENT- None

COMMUNICATIONS

From: Matt Sullivan, Community Development Director
 Re: Referral from the Board of Aldermen on proposed O-22-011 – Amending the Zoning Map by Rezoning Land Situated North and South of Lake Street and West of Pine Street From Local Business (LB) To Local Business with Mixed Use Overlay District (LB/MU)

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

UNFINISHED BUSINESS – None

NEW BUSINESS – RESOLUTIONS - None

NEW BUSINESS – ORDINANCES

O-22-011

Endorsers: Alderman Alex Comeau
 Alderman-at-Large Michael B. O'Brien, Sr.
 Alderman John Sullivan
 Alderman-at-Large Melbourne Moran, Jr.
 Alderman-at-Large Ben Clemons
 Alderman Tyler Gouveia
 Alderman John Cathey

AMENDING THE ZONING MAP BY REZONING LAND SITUATED NORTH AND SOUTH OF LAKE STREET AND WEST OF PINE STREET FROM LOCAL BUSINESS (LB) TO LOCAL BUSINESS WITH MIXED USE OVERLAY DISTRICT (LB/MU)

MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE OF O-22-011 TO THE FULL BOARD

ON THE QUESTION

Alderman Comeau

Yes thank you. Just to reiterate. This was a vacant lot at the corner of Pine and Lake. Looking to amend the zoning map to allow future discussions about what could possibly be done with that. This rezoning would just loosen up the potential things that we could do. This is not approving or disproving any particular plan at this time. That is something that will happen in the future and will involve more discussions. Right now, this is just a discussion on how to zone the land. It's worth noting that this is one of the last parcels of land in the area that's still light business. A lot of that was light business in years past when there was a lot more factory and mill activity. Almost this entire neighborhood has already been transferred over to residential units. This would allow the potential for this lot to be involved and discussions about potential residential units in the future. So I think that it is worth this Board's recommendation for final passage to the full Board.

Alderman Clemons

Thank you. I was really happy to co-sponsor this and to see this come forward because I live in the neighborhood. I live down the street so Alderman Comeau and I live in the same area. When he approached me on this that this is what they wanted to do, I was eager to jump on board because I think that the potential to do something good with that property can only really exist if we do something like this by changing what's allowed to be there. I fully support this. I think it's a good idea and hopefully you can get the recommendation tonight and at the full Board.

Alderman Lopez

I just also was involved. I was reached out too because my Ward is adjacent to it because I live down the street as well. I think particularly this is an opportunity to improve traffic for pedestrian and vehicular safety but there needs to be a call to action to do it and having a development put in that area, this space is not very well suited for any specific uses but I think by changing the zoning, we trigger the series of events that allows developers to look at the area a little more seriously and hopefully make investments that will improve the traffic along in the area.

Alderman Jette

I just have a question. Looking at the maps that were part of the package, it's not clear to me exactly what we're talking about. Is it the – I'm looking at a map that has like a color code. So there's a blue section where the garage is still there and then next to it is a gray section. It goes up to a yellow section. Is that the old railroad right of way?

Alderman Comeau

Yes so there is an old railroad right of way in there. If you're looking at the color coded map, I believe the main lot in question is the one that's not colored in. Is that correct?

Unidentified Speaker

No, that's incorrect.

Alderman Comeau

It's the one that's basically looks white on your page. It's at the corner. The yellow is the existing residential zoning I believe. The small blue triangle is the current Lake Street Garage. Directly across the street from the small blue triangle is the two kind of odd shaped almost like rectangular with weird protrusions that they're not colored in, that's the empty lot. The larger blue triangle is a little bit further west on Lake Street. I believe it currently sits the former home of Lauren Electric. I believe it's an empty building now but that's one of the last – not industrial but commercial pieces in that neighborhood is that electric building. It's only blue because it's currently commercially zoned. That's not the lot we're talking about. It's the rectangular lot that's not colored in.

Alderman Jette

Okay, thank you.

Alderman Comeau

You're welcome.

Alderman Cathey

Just for clarification on that map. I thought I understood it but that raises more questions. That blue triangle is part of the property, correct?

Alderman Comeau

The small blue triangle.

Alderman Cathey

The small blue one, right. So that whole is the property.

Alderman Comeau

The larger blue triangle is just a different commercial zone...

Alderman Cathey

I'm not worried about that. They're just showing what the blue is in side of their own property.

Alderman Comeau

Correct. The blue just means commercially zoned. This legislation is talking about the small piece on the north side of Lake Street and then the rectangular piece on the south side of Lake Street that's not colored in.

Alderman Cathey

Thank you.

Alderman O'Brien

Yeah thank you. It's just along the rail. It's kind of interesting since my 40 to 50 years involvement in the city – that was part of the Acton line. People that are in that particular area, there's down opposite Sarasota in the back neighborhood there is Acton Street. That's basically where that track went to. Those that live in Ward 9 can see the remnants of the bridge that we used to cross the Salmon Brook and everything. So it's been abandoned for quite a long time and so of the rail beds there is actually residential housing. It's been abandoned.

Chairman Moran

Any further discussion?

MOTION CARRIED

TABLED IN COMMITTEE

**MOTION BY ALDERMAN CATHEY TO REMOVE THE PETITION FOR REZONING FROM THE TABLE
MOTION CARRIED**

PETITIONS

- Petition for Rezoning - Gateway Hills off Research Drive (A-798, A-1010, A-1011, A-1008, A-1021)
 - Tabled at 5/17/22 meeting

Chairman Moran

Director Sullivan didn't communicate with me and Alderman O'Brien that he's hoping that this remains tabled, which we can just make a motion to retable it because he is making headway with the Flatley Company. There will be more disclosures up in June. That communication came in before the agenda was completed. Maybe after we retable this, we can make a motion to add that in and suspend the rules.

Alderman Cathey

That's basically what I wanted to know if there were any updates. I'm good with that.

Alderman O'Brien

Thank you. I just want to say I agree with the Chairman on that. Basically by placing this back on the table, it's my belief it will allow the people that are in charge to properly negotiate. We didn't really say no to the developer. We strongly encouraged the developer. Basically we're just in the forms of negotiation. We owe that to the taxpayers because this is going to affect a very busy East Dunstable Road neighborhood and the like. So I think it's part of doing diligence. If the Chair would like, I'd make a motion to place it back on the table if that's adequate.

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

Without objection, Chairman Moran suspended the rules to allow for a communication from Director Sullivan regarding today's PEDC meeting/hearing attendance to be added to the record which was received yesterday, May 16, at 12:40 p.m.

From: Matt Sullivan, Community Development Director
Re: 5/17 PEDC Meeting/Hearing Attendance

GENERAL DISCUSSION

Alderman Lopez

I just want to applaud you for adding a communication to the record and ensuring this was tabled. There were some accusations made on the interwebs that the city was hiding things because there is a tabled item on the table and that there were updates or developments that were taking place which I mean there's literally a Memo saying there aren't. For purposes of transparency, we kind of have to make that known too. I appreciate you adding that letter to the record.

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN

Alderman Comeau

Thank you Mr. Chair. I would just like to thank this Committee for its unanimous support of O-22-011. I look forward to voting on it at the next full Board meeting.

Chairman Moran

And thank you for joining us.

ADJOURNMENT

**MOTION BY ALDERMANO'BRIEN TO ADJOURN
MOTION CARRIED**

The meeting was declared closed at 7:21 p.m.

Alderman John Cathey
Committee Clerk Pro Tem

Graham, Donna

From: Sullivan, Matthew
Sent: Monday, May 16, 2022 12:41 PM
To: Moran, Melbourne
Cc: Graham, Donna; O'Brien, Michael (Alderman)
Subject: 5/17 PEDC Meeting/Hearing Attendance

Importance: High

Good afternoon Alderman Moran:

Unfortunately, I will be unable to attend the PEDC meeting tomorrow evening at 7PM. The Conservation Commission has critical business that evening related to the Riverfront Development and new Middle School and their meeting will take place at the same time.

Regarding the Pine/Lake Rezoning, representatives of the Requester will be present to address the Committee. The Planning Board unanimously recommended in favor of the request.

I would like to request that the Flatley Rezoning Petition be tabled once more until the June PEDC meeting. I did have a conversation with Flatley representatives and a justification for the withdrawal is forthcoming.

Please do not hesitate to call (603-365-6856) or e-mail me in advance of the meeting with any questions that you may have.

Thank you,
-Matt



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