

**Land Use Codes
Recommendations to Mayor Streeter
May 25, 2004
Greater Nashua Chamber of Commerce**

Page 17-18 – New Zoning Districts

- a. **Need full size version of zoning map** (page 19) so can review new district boundaries (D-1, D-2, D-3, HE, MD, TOD, CI).

Page 21 – Purpose

- b. RC purpose explained as older residential neighborhoods surrounding urban core. Excludes large multi-family complexes along DW Highway, Spit Brook Road, Amherst Street and Pine Hill Road. Results in problems as several new RC requirements clearly for inner-city neighborhoods and not reasonable for newer RC apartment complexes. **Rewrite RC purpose to reflect these larger, outlying multi-family complexes**

Page 24, Table 26-1, Use Matrix

- a. **This table should begin with definitions of “C”, “S”, “A” and “C/A”.**

Page 24, Use Matrix

- a. Use 14, Nursing Homes – **Corrected.**
- b. Number of uses – number of commercial uses reduced from 131 to 115. Most redundant shopping center categories substantially reduced, eliminating some of the confusion. **Corrected.**
- c. Uses 44 & 45 – Car Washes and Auto Dealers no longer permitted in downtown zones. **Should be a conditional use in D-1, D-2, D-3 depending on mapped limits of these districts.**
- d. Use 140, Vehicle repair and sales, corrected to allow use in PI zone. **Should also be a “C” in D-2 zone to ensure H. Daw is not adversely impacted.**
- e. Use 33 – Banks with Drive-Through Facilities corrected to allow use in PI zone. However, Use 57, Drive-in window prohibits bank with drive thru windows in most zones including PI. **Use 57 should be excluded as already covered and conflicts with Use 33 and 113.**
- f. Use 69 – Flex Space- **Corrected.**
- g. Use 112 –Drug Store under 10,000sf – **Corrected.**
- h. Use 113, Restaurants with Drive-Through – Depending on detailed review of proposed zoning map, **probably needs revisions to allow as “C” within East Hollis Street area of McDonalds, Wendy’s and House of Pizza.**
- i. Uses 128 to 131 do not allow shopping centers between 25,000sf and 300,000sf in any “D” zone. **If Globe Plaza is in a “D” zone, this needs to be changed.**

- j. Use 155, Finished cement-brick products – **Corrected.**
- k. Use 209 – Fitness gyms- **Corrected.**
- l. Use 215, Movie Theatre – **Corrected.**
- m. Use 226, Skating Rink – **Corrected**

NEW USE MATRIX ISSUES

- a. As drafted, the new D-2 district allows only a few uses within its boundaries. Unreasonably restrictive and makes no sense considering “P” and “C” uses allowed in D-1 and D-3 districts. **Modify D-2 to allow any “P” or “C” use permitted in the D-1 and D-3 districts so that all “D” district uses are consistent and logical.**
- b. Use 104 is a “C” in an HB zone but similar uses in 105 to 107 are a “P”. **Make use 104 a “P” within the HB zone.**
- c. Use 136, Tire Sales, not allowed in CI zone along Amherst Street or D-2 zone yet there are existing business within such districts. **Use 136 should be a “P” within both the CI and D-2 zones.**

Page 42, Front Setbacks (1) Adjustment is extremely confusing. **Rewrite section to minimize confusion.**

Page 43 – Corner Lots – **Corrected.**

- a. In RC zone, Maximum Height Reduced from 120’ to 100’ – **OK.**
- b. In RC zone, Maximum stories reduced from 12 to 6. Now revised to 10 stories – **OK.**
- c. In Downtown Districts, maximum height allowed was 120’, now only 72’ in D-1, 35’ in D-2, and 45’ in D-3, including possibly for SNHMC. These lower height limitations could be a problem to future development within these zones. **Increase allowed maximum height in all “D” zones.**
- d. In Downtown Districts, Maximum Stories reduced to 6 in D-1, 2-1/2 in D-2 and 3-1/2 in D-3. **Increase allowed maximum stories in all “D” zones. The lower maximum allowed heights in D-2 and D-3 are inconsistent with the rest of the Main Street environment and certainly inconsistent with the height of the medical center which is directly across the street from the D-2 district.**

Page 45 - Minimum/Maximum Front and Side Yard Setbacks in RC, LB and D Zones – Modified to now show 10’ minimum and 20’ maximum versus both being the same setback. However, does not resolve the basic problem that not all buildings fit this parameter, especially in the newer RC multi-family districts. **Eliminate the Maximum Front and Side Yard setback columns within this Table.**

Page 46 – Section 16-29(a) – **Corrected.**

Page 45, Table 27-3, Dimensional Matrix – **The chamber believes that the Dimensional Matrix reflects current zoning requirements and need to be looked at in light of changing conditions and their impact on redevelopment efforts.** Do the density and parking regulations within the inner-city zoning districts reflect existing conditions and allow for a

reasonable redevelopment of these areas? With the air exchange requirements of building codes, the assumed 10 foot height requirement per floor for office buildings needs frequently needs to be as great as 15 feet in height to accommodate the required duct work, sprinklers, etc. The allowable heights need to be adjusted within the office park areas to reflect these changing conditions or the achievable number of stories in such office buildings will be substantially lower than otherwise allowed by the Dimensional Matrix.

Page 46 - Section 16-29 (b) (1)

- a. These are guidelines to be considered and not absolute requirements. The introduction states “The following criteria **should** be used”, but subsections A to C use the word “**shall**”. **Modify the word “shall” to “should” in subsections A, B and C.**

Page 47 – Section 16-30 (a) (1)

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Page 48 – Section 16-30 (b) (1)

- a. These are guidelines to be considered and not absolute requirements. The introduction states “The following criteria **should** be used”, but subsections A to C use the word “**shall**”. **Modify the word “shall” to “should” in subsections A, B and C.**

Page 46, Section 16-30 (a)(3) Retail Commercial, B - **Corrected**

Page 47, Section 16-30 (a)(1) C - **Corrected**

Page 48, Section 16-30 (b)(2) C –

Corrected as to access into secondary access onto local streets.

Page 49,-53, Section 16-31 – Downtown Districts

- a. All of the design criteria which were previously part of the Corridor A overlay district have now become a requirement for all uses within the D-1, D-2 or D-3 zones. These design requirements come into effect anytime there is a site plan or building permit application submitted for a lot within these districts for any purpose, no matter how minor a permit or change.

It is the chamber’s STRONG recommendation that the design criteria should only apply when the proposed change involves changes to the façade of a building within the D-1 district and that Section 16-31 (a) (1) be amended accordingly.

In addition, it is the chamber’s STRONG recommendation that Section 16-31 (3)(b)(1) on page 51 be amended to require a minimum height of one story so that the approximately. 33% of the existing one-story buildings within the proposed D-1 zone are not made non-conforming. While it may be completely appropriate to require buildings fronting on Main Street to

have more than one story the areas within the downtown districts off Main Street do not enjoy the same economic realities.

In addition, it is the chamber's **STRONG** recommendation the Section 16-31 (b)(3)(B) requiring at least 4 of the 5 elements be amended to state the proposed façade changes should attempt to incorporate as many of these features into any new design as is practical. This eliminates the absolute requirement of a specific number of elements, allows the architect and building owner to negotiate reasonable façade changes and prevents most of the existing buildings within the proposed D-1 zone from being made non-conforming uses.

The chamber **STRONGLY** recommends the elimination of Section 16-31 (a)(2)(C) that limits the type of building materials to be used on facades. As technology changes and new uses are designed for various materials, this could become an impediment to the use of potentially acceptable and desirable building materials in future facades.

IT IS ALSO IMPORTANT TO NOTE THAT, AS PROPOSED, THE DESIGN CRITERIA EFFECT ALL BLOCKS AND PROPERTIES WITHIN THE PROPOSED D-1 ZONE AND NOT ONLY MAIN STREET BUILDINGS.

If the chamber's recommended design criteria changes listed above are not made, the committee firmly believes that the proposed criteria will become a major impediment to any future building renovations and will slow the significant and substantial improvements made over the past decade to the downtown and its building facades. In the highly competitive and difficult economy all businesses currently face, additional impediments to encouraging business locations within the downtown are a huge mistake.

Page 53, Section (9) (c), Downtown District (D-2)

The limited uses allowed within this zone, and the unrealistic and unworkable design criteria (page 54) proposed for this already developed area of the downtown, **the chamber strongly recommends the elimination of the proposed D-2 district and its inclusion within the boundaries of the D-1 district. These restrictions will create a pocket of development which is not consistent with the multi-use nature of the rest of the Main Street corridor with its mix of retail, other commercial, governmental and residential.**

Page 54, Section (1)(B), Lot Design

This section prohibits new driveways on a collector or arterial road within a D-2 zone. Yet the opposite side of Main Street that is zoned D-1 does not have such a restriction. It appears to the chamber to be an unreasonable restriction on one side of Main Street and not the other. **The chamber recommends the deletion of the second sentence of (1)(B).**

Page 55, (3)(A), Parking

This section appears to have a significant error in its drafting. As written, all parking must be on-street and not on-site. This makes no sense. **The chamber recommends this section be re-written to require all parking be on-site and not allow any off-site parking.**

Page 54, Diagram at top of page

The restrictions noted related to this diagram requires a minimum of 50% open space. This is an unreasonable requirement and is inconsistent with the existing development characteristics of the uses within this proposed D-2 zone. It is impossible to develop the land within this zone and meet the off-site parking requirements while maintaining a minimum of 50% open space for the lots. **The chamber recommends no minimum open space requirement consistent with the requirements for the D-1 and D-3 zone.**

Page 60, Section 16-34 – Corridor B Overlay District

- a. The Corridor B Overlay District has been eliminated in the latest revision, but all of the parking requirements have been included under the new Surface Parking Lots Provisions (Page 284) and **now impact ALL zoning districts.** The requirement that every third parking row be landscaped has been modified to every 4th row, but the requirement that there be a landscaped island after every 10th parking space in a row remains. **The chamber will accept the modification that every 4th row be landscaped but is strongly opposed to the requirement that there be a landscaped island after every 10th space. We recommend that Section 16-574 (d) (1) be eliminated.**
- b. As drafted, the new surface parking provisions apply to any change in use, minor site plan or subdivision plan revisions or whenever a building permit is issued. **We strongly recommend that the requirements for landscape islands every 4th parking aisle only apply to new or major revisions to site plans or building permits and not to minor revisions or changes in use. The result of applying this standard broadly is to make non-conforming the great number of existing parking lots when a minor site plan or subdivision or building permit is required. When parking places are removed to meet this code's requirements the minimum required spaces may not be met.**

Page 80, Section 16-37, Water Supply Protection District, Section (b)(3)

The proposed regulations basically prohibits, under (d)(1) **ALL** uses in the last 75' conservation buffer zone. **The chamber recommends that the last 75 feet of the buffer zone be revised to allow parking and roadways as currently permitted. The existing code creates a 150 feet of buffer the first 75 feet of which allows no development. The last 75 feet allows parking and roadway development. The new code creates a complete prohibition on such development within the entire 150 feet. This expansion of the regulations is an unwarranted taking in a community that is basically built out.**

Page 91, Section 16-43, Higher Education District

- (a) The revisions to section (f)(2) have resolved the committee's concern over forcing an educational institution to reveal its planned future land acquisitions. **The chamber supports the proposed language provisions in the code.**
- (b) (c)(2) on Page 91 requires parking be behind or to the side of an educational building. Both at Rivier and at the NH Vocational Tech building on Amherst Street, there is some parking in the front of educational buildings. Specific site or uses may require such parking. The subcommittee is recommending that the language be amended from "Parking areas shall be located" to read **"Parking areas, to the extent feasible, should be located"**. This gives some latitude in the design of the parking areas for higher educational uses assuming it is justified.
- (c) Section (c)(4) requires all parking within the same block to be interconnected. The chamber believes this may not always be feasible and is recommending the language be changed to add **"where feasible"** between the words "interconnection" and "to neighboring parking areas".
- (d) Section (e)(2) requires all equipment and activities create "no noise". This is an impossibility in most cases, even if screened and properly placed. The chamber is recommending **changing "no noise" to "minimize noise"**.

Page 93, Section 16-44, Medical District

- (a) The revisions to section (f)(2) have resolved the committee's concern over forcing an educational institution to reveal its planned future land acquisitions. **The chamber supports the proposed language provisions in the code.**
- (b) (c)(2) on Page 94 requires parking be behind or to the side of an educational building. Both at Rivier and at the NH Vocational Tech building on Amherst Street, there is some parking in the front of educational buildings. Specific site or uses may require such parking. The chamber is recommending that the language be amended from "Parking areas shall be located" to read **"Parking areas, to the extent feasible, should be set back"**. This gives some latitude in the design of the parking areas for higher educational uses assuming it is justified.
- (c) Section (c)(4) requires all parking within the same block to be interconnected. The chamber believes this may not always be feasible and is recommending the language be changed to add **"where feasible"** between the words "interconnection" and "to neighboring parking areas".
- (d) Section (e)(2) requires all equipment and activities create "no noise". This is an impossibility in most cases, even if screened and properly placed. The chamber is recommending **changing "no noise" to "minimize noise"**.

Page 101, Section 16-64, Attached Dwellings

On Page 101, the requirements of (a)(2) require compliance of any new attached dwelling development with the Parks and Open Space Standards of Article V, Division 9. Under this requirement, any new subdivision or residential site plan

of more than 3 lots or units must provide open space at the standard of 700 square feet per lot or unit. The chamber believes that this requirement for smaller subdivisions or residential site plans will result in such small open space/park areas as to be unworkable and useless. **The chamber is recommending the provisions of Section 16-601 be changed to require open space/parks at a requirement of 500 square feet per dwelling unit whenever a subdivision or site plan proposes 40 dwelling units or more.**

Page 119, Table 81-2, Elderly Housing Density

- a. The proposed densities for elderly housing units in the R-C, R-B and R-A zone are considered too low to promote affordable, elderly housing and are inconsistent with the density levels reasonably achieved for several elderly developments recently approved within the core area of the City. **The chamber recommends a density of 44 units/acre within and R-B and R-C zone and a density of 14 units/acre within an R-A zone.**
- b. It is also believed by the chamber that the proposed increase in the parking requirement for elderly housing of one space per unit on page 297, #12 was too high. **The chamber recommends that the minimum number of spaces be reduced to 0.75 spaces/unit to reflect the decreased need for parking for the elderly units being constructed within the core area of the City.**
- c. It is the belief of the chamber that the height limitations of 2.5 stories and 35 feet in maximum height of Table 27-3, Dimensional Matrix, Page 45 were insufficient for elderly housing within an R-B zone. **The chamber is recommending 3 stories and 45 feet in height for elderly housing in an R-B zone.**

Page 120, Section 16-84, Gas Stations and Page 138, Section 16-113, Multi-Use Gas Station/Convenience Store

- a. There is confusion created by having these two sections, both regulating gas stations, as separate sections rather than being combined into one section, as well as disagreement by the committee over some of the proposed regulations under these sections. **The chamber is recommending that the two sections be combined into one section on gas stations/gas stations with convenience stores.**
- b. Section 16-84, (b), (2) on page 120 and Section 16-113 (b), (4) on page 138 limiting convenience stores and/or multiple uses to no more than 25% of the floor area was felt to be unreasonable and not reflective of the current state of the market. **The chamber is recommending these subsections be eliminated.**
- c. The required stacking for cars to a pick-up window was also felt to be excessive, especially when related to existing operation that have not had stacking problems. **The chamber is recommending that the required**

stacking distance be reduced to 150 feet (10 cars) for one drive-through lane and 105 feet (7 cars) for two drive-through lanes.

- d. The chamber believes that the attempt under Table 113-1 on page 138 to control the number of allowed accessory uses by square footage of lot is excessive and unreasonable. Uses such as ATM's, copy and fax machines, and check cashing have little impact on the traffic to or use of such a lot. They are a convenience use to the primary use of the facility. The requirement that a facility containing more than 6 pumps would be considered an additional use is also felt to be unnecessary and unreasonable.

Since most existing gas stations are located within 400 feet of a residential zone, the chamber believes that the further restriction of the number of accessory uses within this category by distance to a residential zone is excessive and will cause significant non-conformity problems for most existing gas stations within the City. **The chamber recommends Table 113-1 be eliminated as well as subsection (b)(2) of section 16-113.**

Page 141, Section 16-114, Table 115-2, Dimensional Requirements

The chamber believes that the requirement for 20% of open space for neighborhood centers should be modified to be only a requirement for new buildings and not for renovations or minor additions. Reviewing the existing local business (LB) zones within the inner city area of Nashua finds that few, if any, could reasonably meet this 20% open space requirement. As written, it is open to future interpretation whether or not the 5,000 square feet is limited to building area or includes associated parking. **The chamber is recommending that subsection (e)(1) be written to include the words "of new building" after the words "5,000 square feet" and add the word "building" between the words "non-residential" and "space".**

Page 137, Section 16-112, Mixed Use Buildings

The chamber is in agreement with the proposed requirements of this section.

Page 141, Section 16-119, Outdoor Display Areas

Section (a) requires a site plan approval for any outdoor display areas within a GB, D or HB district. This creates a costly and needless expense and time delay for existing businesses that have outside displays associated with their operations. Examples of such outside displays that would now require an expensive site plan include the sidewalk sales of downtown merchants, tire displays that are removed at night such as Maynard and Lesieur, windshield solvents and similar automobile products on display at most gas stations, rental equipment displayed outdoors at most rental stores, flowers and plants sold in the springtime at most supermarkets and box stores. **The chamber feels that such a site plan requirement for existing retail operations with outside displays is unreasonable and recommends this provision either be eliminated in its entirety or re-written to require a permit rather than site plan approval.**

Page 177, Subsection 16-236 (a)(2), Control of Glare

The requirements of this subsection allow light levels to exceed 0.2 foot candles at property lines whenever the lots are in common ownership or share a common access or parking. The chamber feels that if the adjacent land use within a commercial or industrial zone is developed for a similar use, the 0.2 foot candle requirement at the property line should also be waived. **The chamber is recommending that subsection (a)(2) be amended after the words “common access or parking” by adding the words “or are a similar land use located within an industrial or commercial zoning district”.**

Page 177, Subsection 16-237 (a), Nonconforming Luminaries

The provisions of this subsection require that any nonconforming luminaries that are replaced or moved must meet the standards of this section. **The chamber believes that the provision related to replacement on luminaries will be impossible to enforce but will not object to its inclusion within the code.**

Page 210, Section 16-271, Wetland Buffers –

Table 271-1 on Page 210 needs to be corrected to indicate “9,000” square feet of rather than “3,000” square feet under the definitions of Critical Wetlands and Other Wetlands in order to eliminate the inconsistency with the areas shown under the “Wetland Category”.

Page 213, Section 16-274 (3) –

The increase from 100 feet to 125 feet for areas of jurisdiction adjacent to wetland areas is unreasonable and inconsistent with wetland regulations typically found within both New Hampshire and Massachusetts, as well as the current zoning ordinance. No justification is offered for this arbitrary increase. **The chamber recommends that the distance be reduced to 100 feet as is currently found within the existing ordinance.**

Page 222, Section 16-402 (d)(3)(B)

The chamber is in agreement with the proposed requirements of this section.

Page 231, Section 16-431, Zoning Requirements (c)(2)(A)

The introductory sentence of this subsection uses the language “the zoning ordinances **shall** be designed:” to meet a variety of requirements and standards. Some of these may not be feasible as part of a rezoning such as lessening congestion in the streets and encourage farm land preservation. **The chamber is recommending the introductory sentence be changed from “shall” to “should”, thereby giving some discretion in the consideration of a zoning change.**

Page 236, Section 16-435 (a)(2), Concurrent Zoning Amendment/Site Plan Approval

Current zoning regulations allow concurrent zoning amendments and site plan approval in all zoning districts of the city. This provision was used very effectively in the commercial rezoning of the former Blue Line Express property on the DW Highway. The committee does not

understand why this provision is now being limited to only PI and GI zones. **The chamber recommends that the words “to a PI or GI zoning district” be eliminated in subsection (a)(2) so that it will remain available for use in all zoning districts.**

Page 243, Division 4, Subdivision Procedures (d)(2)

The chamber is in agreement with the change from 45 days to 65 days for Planning Board action on a subdivision plan.

Page 248, Construction Plans (a)(2)

The chamber is unclear as to what is meant when this subsection states “Before the Planning Board approves the **building permit**”. The planning board does not approve building permits, it approves site plans and subdivision plans. **The chamber believes this sentence needs to be rewritten to clarify its intent. Otherwise, the chamber is in agreement with the provisions of this Section.**

Page 250, Subsection 16—445(a) and (f)(1), Performance Guarantees

The chamber is in agreement with the recent revisions eliminating the requirement that a bond be posted for 150% of construction costs and the limitation of no more than three bond reductions in a year under subsection (f)(1).

Page 251, Section 16-445 (d)(2), Maintenance Guarantee

This subsection creates a new for a one year maintenance bond in the amount of 10% of the completed improvements for any completed public road from the date of street acceptance. To the best of the chamber’s knowledge, there has not been a maintenance problem with accepted public roads within one year of their acceptance and this requirement is felt to be both costly and unnecessary. **The chamber recommends the elimination of the entire Maintenance Guarantee provisions unless there are a number of documented instances of maintenance problems soon after street acceptance.**

Page 254, Subsection 16-450 (c)(2), Site Plan Procedures, Generally

The chamber is in agreement with the change from 45 days to 65 days for Planning Board action on a site plan.

Page 256, Item 18

Under this provision, the planning board can require a bond or escrow agreement at the time of site plan approval, versus the current requirement of requiring one for any uncompleted improvements at the time of C.O. The chamber is unaware of any problems related to the existing procedures and is opposed to this additional and unnecessary financial requirement for a private development. **The chamber strongly recommends that this section be amended to require a bond for any uncompleted requirements at the time of issuance of a certificate of occupancy, per the current procedures and requirements.**

Page 263, Division 3, Adequate Public Facilities -

This provision attempting to relate adequate public facilities and capital improvements program to the approval of ANY subdivision or site plan is far reaching and potentially devastating to attracting any redevelopment or new development into the city. While initially limited to traffic considerations, it is obvious that this section is written in such a fashion that it will be expanded in the future to include other public facilities such as schools, libraries, fire stations, police stations, etc.

More importantly, this Section will require an expensive traffic analysis/study of every subdivision and/or site plan, regardless of how minor, in order to document that it is not impacting the road condition to less than a Level of Service less than D. This will add needless expense to minor new development or improvements to existing developments regardless of their size or obvious impact. While we are very concerned about the future use of this Division, we can understand the need to analyze the traffic impacts of major new developments and major expansions.

It is the chamber's strong recommendation that this section be rewritten to eliminate this requirement for minor subdivisions and site plans. A trigger based on increased trip generation, especially related to the carrying capacity of a road or intersection, is a more logical method of determining when this Section becomes a requirement of a subdivision or site plan.

This is a needless, expensive and potentially detrimental impact on small or minor developments within Nashua.

Page 273, Section 16-542, Shopping Centers -

The design specifications for all retail buildings of 30,000 square feet or greater, as outlined in Article V, Section 16-542, were felt to be unreasonable and overly restrictive. While the chamber does agree that the planning board should have an input into the building design process, the proposed requirements has superceded architectural design freedom as well as future changes in building materials. Requirements such as (d)(1) requiring all building sides facing a public street create immense security and layout problems for buildings and are inconsistent with many buildings and retail uses constructed in Nashua (Bernie and Phyls, Shaw's as it abuts Spit Brook Road, Applebee's as it abuts Somerset Parkway, etc.). In addition, the requirement of (a)(2) that 50% of the horizontal façade must contain windows awnings, etc. is unreasonable for the large box retail buildings, eliminates display space and is illogical (i.e. Home Depot, Target, etc.). In addition, the requirement that industrial buildings cannot use prefabricated metal panels and untreated block, is also unreasonable and inconsistent with many industrial buildings within the city.

The chamber is recommending that all of Section 16-542, Shopping Centers and Section 16-603 be eliminated in their entirety and that

Section 16-541, Multi-Family Dwelling Units and Commercial Buildings be expanded to include Shopping Centers and Industrial Buildings.

This ensures input and control by the city into all such buildings without arbitrarily dictating the design and materials to be used or arbitrarily increasing the construction costs so as to make Nashua economically unattractive to new businesses.

Page 276, Section 16-551, Sensitive Site Features -

- (a) This new provision to inventory and mitigate impacts on all trees of greater than 10" DBH, all slopes of greater than 10%, all stone walls, rock outcroppings, etc. is costly, excessive and an unreasonable burden on a property owner. The Soils Conservation Service delineates steep slopes as being greater than 20% to 25%, not a 10% grade that is allowable for local roads. Rock outcroppings (i.e ledge) are not something that is unique or need to be identified and preserved. The analysis of all of the described features and methods to minimize impacts whenever the planning board deems fit will create excessive costs and delays. **The chamber is recommending that Section 16-551 be deleted in its entirety.**

Page 280, Division 7, Required Buffer Yards, Table 571-1 -

- (a) The buffer areas proposed for all commercial, industrial and multi-family developments requiring a site plan, subdivision or building permit as shown on Table 571-1 increase the currently required 10 foot buffer area to as large as 40 feet. While the chamber does not have a problem with this requirement for new or substantial redevelopments, to require these increases anytime a building permit is issued or there is a minor subdivision or site plan submittal is unreasonable and unworkable, especially for the inner-city developed areas. Think of a lot owner such as someone located within the inner-city GI, D, GB or any other zone having to provide a 30 or 40 foot buffer for a minor site plan change, a lot line relocation plan or a simple building permit. This will not work and will create costly delays, appeals to the zoning board and/or planning board and will discourage the redevelopment of the inner-city area. **The chamber strongly recommends that these increased buffer requirements be limited to new buildings or renovations exceeding 50% of a building and not for minor subdivisions, site plans or building permits.**

Page 281, Section (b)(3), site and Type of Plant Materials –

This section requires unreasonable plant sizes for deciduous (minimum 12 feet in height) and evergreen (minimum 8 feet in height) trees as well as for shrubs (minimum 4 feet in height) within buffer areas. Tree sizes such as specified are not only excessive and prohibitively costly, they also have a higher mortality rate in transplanting. The requirements of Page 286, Section 16-575(a) are for 2 1/2 inch caliper trees, the current and more reasonable requirement.

In addition, shrubs of 4 feet in height are either prohibitively expensive or not even available. Many ornamental and highly prized shrubs do not even grow to 4 feet in height when fully mature.

It is the chamber's recommendation that the tree provisions of (3)(A) be changed to 2-1/2" caliper for both deciduous and evergreen trees so that they are consistent with the requirements of Section 16-575(a) and that the shrubs be reduced from a minimum of 4 feet in height to the 2 feet in height required under Section 16-579(c) on Page 290.

Page 286, Section 16-575, Landscaped Yard Area Requirements -

This section requires the submittal of a landscape plan before any natural vegetation on a lot can be cleared. As written, the section applies to any lot owner seeking a building permit. Thus a homeowner wishing to add an addition to his/her home could not clear trees from a lot for such an addition without the preparation of an expensive and unnecessary landscape plan. **The committee recommends that this section be rewritten to exclude building permits from its provisions.**

Page 288, Section 16-576, Subdivision Areas

- a. These new provisions related to woodland natural areas are excessive and unworkable. The requirements that all plant communities be identified, that trees of special interest (undefined terms) be located and flagged and that a site inspection by the Administrative Officer occur prior to any tree cutting are excessive and will create unreasonable costs and time delays. The cutting of trees for each house lot needs to be an individual decision in the field depending on the type of house proposed for the lot and the grading of the adjacent lots. **The Chamber recommends that Subsections (a) 1, 4, 5 and (b) 6 be eliminated in their entirety.**
- b. The chamber believes that proposed RC zone requirements do not reflect the diverse nature and densities found of both the older residential sections of Nashua (see page 21 purpose) and the many newer multi-family districts and developments along the DW Highway/Spit Brook Road/Amherst Street areas. This is a problem with the existing zoning ordinance and has been overlooked in this revision. The proposed densities, open space and other similar requirements likely need to be adjusted to reflect the existing neighborhoods and conditions found within the older RC zones, while the proposed densities and requirements are reflective of the newer multi-family developments. **The chamber strongly recommends the creation of 2 RC zones with dimensional and density standards reflective of those found in both the older inner city multi-family neighborhoods as well as the newer outlying suburban multi-family developments.**

Page 289, Section 16-579,(5)(a/b), Landscape Design

This new subsection requires either underground sprinkler systems or an outside hose attachment for all required landscaping. **The chamber supports this requirement.**

Page 297, Article XIV, Parking Matrix and Standards –

The new parking matrix proposes significant increase in the parking requirements for a variety of uses including shopping centers over 100,000sf, for restaurants, and many other uses. These changes will make most existing operations non-conforming from a parking standpoint. The chamber can support these changes as long as they only apply to new buildings or additions to existing buildings and they are only calculated on the increased square footage or additional spaces required by a change in use.

Page 310, Section 16-600(c1) and 16-601 (a), Open Space, Parks, Civic Space -

- a. These provisions require the dedication of 700 square feet of recreation/park lands per unit for any site plan of greater than 10 acres or any subdivision greater than 3 lots. It is the chamber's belief that 3 lots or 2,100sf is too small to create meaningful recreation or park areas and that acreage is not the best indicator either. **The chamber is recommending the provisions be amended to require “500 square feet of open space, park and/or civic space per unit whenever there are more than 20 units proposed in a subdivision or site plan”.** This will create a minimum of 10,000sf for a useable park or recreation area.

Page 317, Section 16-612(b), Design Standards -

- a. The proposed street grades for Avenues and higher road classifications have been lowered to 8% from the currently allowed 10%. Since the city is basically built out at this time and the net impact of these regulations would result in severe cuts and fills with more trees being cleared in order to meet this lower grade requirement in such areas as the Tara Boulevard extension (i.e. Dozer Road), this change in current standard seems unreasonable and counter productive to the goal of maintaining existing vegetation and minimizing road cuts and fills. The chamber recognizes that the proposed ordinance has been modified to increase from the earlier proposal of 6% grades for these roadways to the currently proposed 8%. **However, The chamber is recommending that the maximum grade remain at the currently allowed 10% for all proposed public roads.**

It should also be noted that Page 320, Row (14), Grade, still shows the earlier proposed maximum grade of 6% versus the 8% proposed under the Design Standards on Page 317 or the 10% grade proposed by the chamber. **The chamber is recommending that this inconsistency be corrected**

Page 317, Table 612-1, Street Design Criteria

The chamber questions the requirement for bike lanes under #12 of this table. This is a costly provision that may be unnecessary or impractical depending on the roadway, its location and uses proposed off of the roadway. **It is the chamber's recommendation that the bike lane requirement become a discretionary requirement of the planning board rather than an absolute requirement of the designated street classifications as shown on this Table.**

Page 324, Section 16-613 (c)(2) and (c)(3), Access Points and Curb Cuts

The driveway access spacing requirements of Table 573-4 are impractical in most cases. The maximum frontage required under the zoning ordinance is only 120 feet and the driveway access spacing minimum is 150 with a maximum of 275 feet. This same issue/problem can be found with Table 613-5, Driveway Approaches. **It is the chamber's recommendation that the provisions of both (c)(2) and (c)(3) are impractical to meet and should be eliminated in their entirety.**

Page 325, Subsection 16-614 (a) and (b), Connectivity

Despite considerable discussion, the chamber is unable to understand what the intent, purpose or "connectivity ratio" is or is intended to do. **The chamber strongly recommends that subsections (a) and (b) be eliminated in its entirety or rewritten and explained as both confusing and unnecessary.**

Page 327, Section 16-617(a)(1), Sidewalks and Pedestrian Rights of Way -

This section will require the construction of sidewalks of both sides of any proposed public road versus the current requirement of only one side. This adds considerable cost to any new development, creates increased storm water run-off from the additional impervious area and is not consistent with the pattern of what is basically a built-out community. **The chamber is strongly recommending this requirement be modified to require a sidewalk on only one side of a new public way.**

Page 397, Appendix B, B-23 (a), Lighting Plans

The provisions of this requirement require a lighting plan for **any building permit, site plan or subdivision plan**. This is an expensive, unreasonable and in many cases unnecessary requirement for all such plans and permits (i.e. a building permit for interior remodeling or renovation work, a small entrance enclosure). **The chamber is recommending at a minimum that the issuance of a building permit be eliminated from this requirement.**

Page 397 Appendix B, B-30, Planned Developments

The current zoning ordinance allows planned developments within industrial and business zones. While this ordinance describes planned business and industrial developments, they do not appear to be allowed anywhere within the zoning ordinance. **The chamber believes that planned developments within business and industrial zones should be permitted with proper control over their establishment, amendment and abandonment.**

Page 360, Development (13)

Under the definition of a development, item #13 defines the demolition of a structure as a development. Under the site plan regulations, all developments must have a site plan prepared and approved by the planning board. This would create an unnecessary and costly site plan preparation for any demolition involving no new construction plans. **It is the chamber's recommendation that item #13 be eliminated from the definition of development.**

Page 327, Table 612-1, Street Design Criteria

- (a) The requirement of sidewalks on both sides of a street is excessive and unreasonable. The city is basically built-out with at best sidewalks on one side of a street. It makes no sense to now require sidewalks on both sides of a new street. **The chamber strongly recommends a requirement of a sidewalk on only one side of a new public road.**
- (b) The six foot planting strip requirement, when combined with 5 foot sidewalks on both sides and 28 feet of pavement results in a total of 52 feet, impossible to meet within a 50 foot right-of-way. **The chamber strongly recommends that the sidewalk requirement be reduced to only one side of the street per the current subdivision requirements.**
- (c) The maximum grade requirement of 8% for any street classification above a conservation street is not reasonable. The current standard of 10% for all public roads has not been a problem. The lowering of the grade will result in more excessive cuts and fills as well as additional tree clearing to meet this lower standard. **The chamber recommends that the maximum grade for all streets remain at 10%.**
- (c) The chamber does not understand why so many street sub-classifications are being created under Table 612-1, especially when they are not defined under Table 571-1 or one sub-classifications are included under the different classes (i.e. Main Street is under both Minor Arterial and Collector). **It is the position of the chamber that the sub-classifications are both undefined and unnecessary and should be eliminated, leaving only the 4 primary classes of streets.**