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May 25, 2004

Mayor Bernard Streeter
City Hall
229 Main Street
Nashua, NH 03060

Dear Mayor Streeter,

I would like to thank you for offering the Greater Nashua Chamber of Commerce the opportunity to review the proposed Land Use Codes. I am including with this letter a summary of our recommendations and comments.

As we had discussed earlier, these comments were to be presented to you after the Chamber's full Board of Director's meeting on Thursday, May 27, 2004. Following the public comments of Alderman McCarthy the Chamber's executive committee felt that it was appropriate to present our comments as soon as possible. The Chamber hopes that if the current draft is introduced as suggested by Mr. McCarthy's comments that the draft will not have the force of law until the Alderman have made a final determination. Our principle objection to the introduction of this draft has been that the draft once introduced would have the effect of law. If assurances can be made that the draft would not be treated as such the consideration of this legislation should proceed at a deliberate pace. If the draft, when introduced, must have the force of law it will create havoc for those landowners and business owners who will have to comply with a working document while it is being considered. I also imagine that it will be very difficult for the regulatory and oversight committees and professionals within the City of Nashua to try to apply this document while it is being worked on by the Board of Aldermen.

As you know several drafts were produced during the spring and early summer months. In some cases early concerns have been addressed in later drafts. The final draft that the Chamber used in its consideration was the draft dated 6-24-2003, if changes have been made since then we have not been able to consider their implications. In the attached comments you will see that in some areas early concerns have been addressed in later drafts, I have included a mention of them as our review of these documents began before the June draft was available. This process has involved the review of over 1600 pages of draft code not including comparison with the existing code.

While the recommendations are too numerous to fully discuss in this letter, I would like to highlight several important areas of concern. These include the following:

1. The architectural controls of the proposed Code are excessive and are felt to be unduly restrictive. While the chamber agree with the City's desire to review the architectural design of a new building, the current recommendations as could be interpreted to require such a design review for any site plan approval or building permit issuance, no matter how minor the request. We have proposed that the implementation of design controls be limited to new buildings or major redevelopment of a building.

Rather than dictating design details and restricting the use of construction materials, the chamber has proposed revisions to the design requirements to make them more workable and reasonable. The chamber's revisions would allow greater flexibility for an architect's input into the design elements of a building rather than the rigid adherence to dictated elements, as well as allow the consideration of new and innovative construction materials.

It is important to note that while much attention has been given to the need for design controls for buildings along Main Street, the proposed regulations impact land and buildings within **ALL downtown zoned land, as well as ALL industrial, commercial and multi-family zoned properties.**

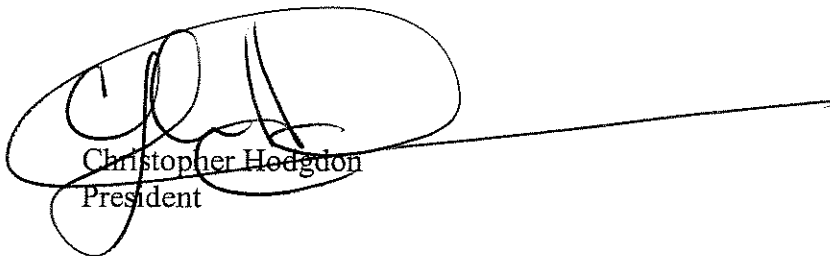
2. We believe that the proposed D-2 zone is too limited in its geographic size and use restrictions to make sense as a separate downtown zoning district. More importantly, at least 50% of the D-2 zone is developed in a manner and for uses that are inconsistent with the regulations and requirements of this proposed district. This D-2 area should be incorporated into and become part of the adjacent D-1 zone.
3. The most recent draft of the Land Use Code takes the parking lot design elements proposed under earlier "Corridors A and B" overlay zones and includes them as part of the parking requirements for **ALL** commercial, industrial and multi-family zones and developments. The requirement that a landscaping be provided at every 10th parking space within a parking lot is unreasonable and unworkable from a snowplowing perspective. The chamber strongly recommends that this requirement be eliminated.
4. The chamber believes that the proposed Land Use Code has failed to correct the current zoning ordinance deficiency of not differentiating between RC zones within the inner-city area versus the outlying apartment districts. As a result, the proposed combined zoning densities and dimensional requirements for the R-C districts are in conflict and at times make little sense. It is our strong recommendation that there be two R-C zones with their own dimensional and density standards, one for the inner-city RC zones and one for the newer, suburban RC apartment areas.

5. The requirements of the proposed Adequate Public Facilities Division are extensive and expensive to address. The chamber strongly recommends that this section be rewritten and limited only to large-scale developments and that minor subdivisions and developments be excluded from its impact and requirements.
6. As further highlighted in the chamber's comments, there are numerous instances under the proposed Land Use Code where the regulations may be reasonable for a proposed large scale development, but are unreasonable and excessive for a minor development or a building permit required for a small renovation or addition. The chamber has made a number of recommendations to various sections of the Land Use Code to address this concern.

I hope that the attached comments will be helpful to the City in its deliberation on the Land Use Code. While we recognize that the City may not accept all of our recommendations, we believe they do reflect the legitimate concerns of the business community. Many of these proposed requirements, if not modified to some extent, will add considerably to the cost of developing or expanding a business within the City of Nashua.

Again, I would like to thank you for your willingness to involve the business community in this document. I believe that the final document can be a consensus document that reflects the interest of the private landowner, the business owner and the city of Nashua.

Sincerely,



Christopher Hodgdon
President