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## Nashua aldermen OK fee waiver; Hayden Green developers to get \$7K returned.

By JIM HADDADIN

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NASHUA - A divided Board of Aldermen voted Monday to waive the school impact fees associated with Hayden Green Condominium, agreeing to return nearly \$7,000 to the developers and forego thousands more in the future. The board voted 8-6 to grant a waiver of school impact fees to North Concord Street Properties LLC, which is developing condominiums on the former Pennichuck land known as Parcel F. While the board has granted similar requests in the past, some aldermen were reticent to give up the money this time around, expressing skepticism that Hayden Green won't have an impact on local schools. Others talked about the pressing needs at the city's schools, and at least one - Alderman-at-Large Barbara Pressly - was still unhappy about the history surrounding the site.

Developer Kevin Slattery bought the 33-acre property from Pennichuck Corp. its real estate subsidiary in a \$2.2 million deal. Slattery purchased the site just two days before the city acquired the water company, gaining control of Pennichuck's last piece of untouched land in Nashua. Pressly said the waiver request from North Concord Street is further evidence of the developer's insensitivity to public sentiment. "I think many of you may agree with me that this should never have been developed," she said. But others were hesitant to deny the request after granting waivers to similar developments in the past. "We've approved these petitions for other 55-plus developments, so I don't see how we can not accept this petition tonight," Alderman-at-Large Lori Wilshire said, "and maybe at some point we should take a look at it, but not in this room - through our land-use boards." Hayden Green is an age-restricted community, open largely to residents 55 and older. It will consist of up to 85 units, composed of 37 individual units and 48 units in a multi-unit building. In addition to paying property taxes, residential developers are required to pay the city a one-time impact fee for each new housing unit. The money is intended to support capital costs at city schools. In the case of Hayden Green, the school impact fee calculates to \$496 per unit. With 85 units, the project would potentially bring in \$42,160 in school impact fees for the city. However, under Nashua's land-use codes, an applicant may petition the Board of Aldermen for a full or partial waiver of the fees if the proposed new development consists of low- or moderate-income housing, or if the project has elderly housing that can be "reasonably expected not to require additional educational facilities." The developers asked the board to return \$6,944 in school impact fees that have already been collected, and to waive all fees in the future. They argued that only one or two schoolage children are likely to take up residence at Hayden Green. Attorney J. Bradford Westgate, of Winer and Bennett in Nashua, said the waiver is permitted under a section of Nashua's land use codes that takes its root in state law. Westgate said the law links impact fees with the direct effects of a development on the community. "In effect, impact fees need to reflect a proportionate share of the capital improvements that the city may require as a result of that particular development," Westgate said. Voting in favor of the request were Wilshire and Ward 1 Alderman Kathy Vitale, Ward 2 Alderman Richard Dowd, Ward 7 Alderman June Caron, Ward 5 Alderman Michael Tabacsko, and Alderman-at-Large David Deane, Mark Cookson

and Brian McCarthy. Voting no were Pressly, Ward 3 Alderman Diane Sheehan, Ward 4 Alderman Arthur Craffey, Ward 6 Alderman Paul Chasse, Ward 9 Alderman Dan Moriarty and Alderman-at-Large Jim Donchess. Sheehan said she felt the developers were underestimating the potential for school-age children to live at the development, based on observing other residential areas in the city. "It doesn't seem to hold true in every 55-plus development," she said. Donchess pointed out that under the city's landuse codes, only 80 percent of the units are required to have one person occupying them who is at least 55. "I think the idea that we'll have no school children in there is unrealistic," he said. Moriarty emphasized the needs of Nashua's public schools. "We need to stop granting waivers now because we need to expand these schools," he said. But Dowd and a majority of others on the board disagreed. Dowd said while he was leaning toward voting against the petition, it would be hard to explain the break with past precedent. He said he could find no unique criteria here that would make Hayden Green an exception. Jim Haddadin can be reached at 594-6589 or [jhaddadin@nashua\\_telegraph.com](mailto:jhaddadin@nashua_telegraph.com). Also, follow Haddadin on Twitter (@Telegraph\_JimH).