

COMMITTEE ON INFRASTRUCTURE

JUNE 28, 2023

7:15 PM or immediately following the Special Board of Alderman Public Hearing

Aldermanic Chamber

ROLL CALL

PUBLIC COMMENT

COMMUNICATIONS

From: Sam Durfee, Planning Director

Re: Referral from the Board of Aldermen on proposed Petition – L Deerwood Drive, Lot H – Sheet 103

From: Holly Hardt

Re: L Deerwood Drive

DISCUSSION

- Business and Industrial Development Authority – Update

UNFINISHED BUSINESS

PETITIONS

- L Deerwood Drive – Lot H-103

NEW BUSINESS – RESOLUTIONS

R-23-130

Endorsers: Alderman Thomas Lopez
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman-at-Large Melbourne Moran, Jr.
Alderman-at-Large Shoshanna Kelly
Alderman Richard A. Dowd
Alderman June M. Caron
Alderman Derek Thibeault
Alderman-at-Large Gloria Timmons
Alderman-at-Large Lori Wilshire

RENAMING “LOS AMIGOS PARK” TO “REVEREND DOCTOR PERKINS LOS AMIGOS PARK”

NEW BUSINESS – ORDINANCES

TABLED IN COMMITTEE

GENERAL DISCUSSION

PUBLIC COMMENT

REMARKS BY THE ALDERMEN

ADJOURNMENT



City of Nashua
Planning Department
229 Main Street
Nashua, New Hampshire 03061-2019

Planning & Zoning 603 589-3090
WEB www.nashuanh.gov

MEMORANDUM

Date: June 16, 2023

To: Ald. Lori Wilshire, President, and Board of Aldermen
Ald. Michael B. O'Brien, Sr., Chair and Committee on Infrastructure

From: Sam Durfee, Planning Director

RE: Referral from the Board of Alderman on proposed Petition – L Deerwood Drive, Lot H – Sheet 103.

At the Nashua City Planning Board's regularly scheduled meeting of June 15, 2023 the Planning Board voted unanimously to make a **favorable recommendation** on O-23-043 with the following condition.

1. The BOA further review the proximity of conservation land and wetland impacts.

If you have any questions concerning this notification, please contact me at 589-3090 or via durfees@nashuanh.gov.

cc: Mayor Jim Donchess
Donna Graham, Legislative Assistant
Daniel Healey, City Clerk
Scott LeClair, Chair, NPCB

Graham, Donna

From: [REDACTED]
Sent: Wednesday, June 21, 2023 6:17 PM
To: CATHEYJ@NASHUANH.GOV; Clemons, Benjamin; Dowd, Richard; Comeau, Alexander; Sullivan, John; Jette, Ernest; Kelly, Shoshanna; Klee, Patricia; MelbourneM@NashuaNH.gov; Lopez, Thomas; Graham, Donna; Thibeault, Derek; O'Brien, Michael (Alderman); Gouveia, Tyler; Tencza, Dave; Wilshire, Lori; Mayors Office Email; DPWRequest; DPW ENG Requests Web; Sullivan, Matthew; zConservation Commission
Cc: [REDACTED]
Subject: Meeting June 28, 2023 L Deerwood Dr. lot h-103

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

Dear Mayor Donchess and Honorable Board Members,


My name is Holly Hardt abutter to the proposed building permit for L Deerwood Dr. I have many concerns about this project being proposed.

- I was never informed of the up coming meeting June 28th, a certified letter came to the house addressed to my late husband, the post office would not allow me to pick it up, they stated it needed his signature. I contacted Matt Sullivan (who has clarified some of my concerns with this project) and he told me it was because they us the assessors card to notify (the assessors card is still in my late husbands name). This seems backwards to me since the only way i can find the assessors card is thru the GIS map which states that I own the property now. I was also not aware of the planning board meeting that met on June 15th. This meeting gave recommendations to go forward to the board of alderman to decide on a building permit, had I been informed I would have gone.
- What I am uncertain about is the area from the end of Massasoit to Deerwood. Is that a right of way? Or a private way? Im pretty sure its not a continuance of Massasoit since it will not be paved and the city will have no responsibly to it. If it is a right of way or private way will the public be able to use it? This subject was also brought up at the zoning board about right of passage and the confusion of it.
- As you know, Massasoit Rd has a steep drop down to Deerwood, at the end of Massasoit has a drain on each side that catches most of the water running down the hill, but not all. The walk down to Deerwood has 9 inch ruts from the water running down the hill. From what I read the intentions are to grade it to bring the level up. My question is, if the grade is brought up and the water is not running down hill where is the water going to go? It will go right in my yard.
- At the bottom of the hill there is a drain pipe, This pipe is never dry, the water drains past my land all the way down Deerwood, What are the plans if the road is widened

and from my understanding gravel put on it? What happens to this water, where does it drain to?

- There are boulders on Deerwood blocking the class 6 road, are they going to be removed? If so what are the plans for stopping this from being an access road to Amherst Street.
- I don't understand how this procedure has come this far. The documents that have been provided from the surveyor have not been signed or stamped. How do you know this is all workable? How do you know the drainage is possible from what was submitted. I noticed the gas lines are not even on these plans. There is a gas line on Massasoit and 2 on Deerwood that are not highlighted. Have there been studies of the wetlands surrounding that area and the impact this proposed site would bring?
- What are the plans for snow removal? Im assuming they will end at Massasoit leaving a pile at the end of the road and stopping before the right of way/private way. How are they going to leave an opening for this right of way / private way. Is it going to be pushed to the side and where on the side?
- Nothing has been said about trash removal. Since the city is not responsible for this area I am assuming this also apply to trash removal. Are they going to bring there bins to the end of Massasoit for pick up?
- In the tentative agreement and release statement per RSA 674:41 requirements, I think number 2, it should also state no trash or recycling
- Has the airport been notified? If you have ever walked that back area and stood my that back gate at the airport you will have someone out there with in a few minutes asking what you are doing. I am sure this is going to turn out to be a security nightmare for them.
- If this plan is passed will only benefit one person, the seller. Who it will not benefit is my neighbors, the conservation department, the airport, the walkers, the hunters, the dog walkers, the bike riders.

I thank you for your time.

Holly Hardt
17Massasoit Rd
Nashua, NH 03063


Steven A. Bolton
Corporation Counsel
BoltonS@nashuanh.gov

Celia K. Leonard
Deputy Corporation Counsel
LeonardC@nashuanh.gov

229 Main Street
P.O. Box 2019
Nashua, NH 03061-2019



**CITY OF NASHUA
OFFICE OF
CORPORATION COUNSEL**

Dorothy Clarke
Deputy Corporation Counsel
ClarkeD@nashuanh.gov

T: (603) 589-3250
F: (603) 589-3259
Legal@nashuanh.gov

MEMORANDUM

TO: Board of Aldermen
Donna Graham

FROM: Celia K. Leonard, Deputy Corporation Counsel
Matt Sullivan, Community Development Director

DATE: May 3, 2023

RE: *Deerwood Drive Petition*

Enclosed please find the “Deerwood Drive Petition” which the petitioner has requested be placed on the Board’s agenda for consideration.

City staff has been in communication with the petitioner regarding the details of the petition, including the amendment to the “Proposed Notice of Limits of Municipal Liability and Responsibility for Class VI Highway pursuant to RSA 674:41.”

City staff will provide comments to the Petition, including an updated and amended “Proposed Notice of Limits of Municipal Liability and Responsibility for Class VI Highway pursuant to RSA 674:41” during the committee process for consideration.



722 Chestnut Street | Manchester, NH 03104
p. 603.624.4333 | f. 603.623.5626
www.cbzlaw.com

Daniel D. Muller, Jr.
Admitted in NH
Email: dmuller@cbzlaw.com

February 22, 2022

City of Nashua Board of Mayor and Alderman
P.O. Box 2019
Nashua, New Hampshire 03061

Re: L Deerwood Drive, Nashua, New Hampshire, Lot H-103
Request to Allow Issuance of Building Permits under RSA 674:41

Dear Mayor Donchess and Honorable Board Members:

Our office represents Vivian Jean Adams, the owner of the above-referenced property (the "Property"), which is shown in the City's assessing records as Lot H-103. The Property is currently undeveloped. A copy of the plan of the Property is attached hereto as Exhibit "A." However, Ms. Adams seeks to allow for the construction of a single-family home on the Property. To that end, Ms. Adams applied for and obtained a frontage variance from the City of Nashua Zoning Board of Adjustment. Ms. Adams now seeks permission from the Board of Mayor and Aldermen, as the governing body of the City, to allow for the issuance of building permits for the Property under RSA 674:41.

The proposed development would be accessed via an access driveway extending from the end of Massasoit Road and over a portion of L Deerwood Drive. A plan of the proposed access, which was designed by a professional engineer, is attached hereto as "Exhibit B." Massasoit Road is shown as a public highway on the City of Nashua GIS map and was originally dedicated to public servitude through the recording of Plan No. 2103 in the Hillsborough County Registry of Deeds in 1961. Said plan shows the Massasoit Road right of way intersecting with what is currently L Deerwood Drive. However, the western end of the Massasoit Road right of way has not been improved or maintained and, therefore, is a Class VI highway. L Deerwood Drive was formerly known as Bloods Crossing Road and was described in historical deeds to the Property as the "highway leading from Blood's Crossing to the Pine Hill road." The road has been depicted on various recorded plans. While a portion of the L Deerwood Drive north of its intersection with the North Fork of Blood Crossing Road (i.e. north of the Property) has been discontinued, the portion of L Deerwood Drive upon which the Property front is identified as a public highway on the City's GIS system as well as several plans recorded in the Hillsborough County Registry of Deeds. While a portion of L Deerwood Drive upon which the Property front is current unimproved, another portion of the same appears to have been improved to some extent. It is unclear whether the City has maintained any portion of L Deerwood Drive even after inquiries to the City and, therefore, Ms. Adams is presuming that the same is a Class VI highway for purposes of RSA 674:41.

Mr. James Donchess, Mayor
City of Nashua Board of Mayor and Aldermen
February 22, 2022
Page 2

The City of Nashua Fire Department reviewed Ms. Adams' proposed development, including access driveway, in connection with the filing of the frontage variance. The City of Nashua Fire Department, through its Fire Marshall, offered the following comments:

- The driveway would need to meet the minimum width of a fire lane which is 20 feet.
- The minimum of 20 feet needs to be maintained at all times. No parking signs would be needed along the roadway.
- A fire department access road shall extend to within 50 feet of at least one exterior door.
- Dead end fire department access roads in excess of 150 feet in length shall be provided with approved provisions for the fire apparatus to turn around.
- Vertical clearance shall be 13' 6 "
- The road shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
- How would we address this home? The property is on Deerwood but the access is off of Massasoit.

Ms. Adams recognizes that the concerns of the City of Nashua Fire Department will have to be addressed relative to the access if the Board allows for a building permit to be issued for the Property and that Exhibit B may have to be modified to reflect any agreement between the parties as to the design. Some of the comments, such as the twenty-foot width, reflect legal requirements under the State Fire Code.

By statute, an owner of a property obtaining relief under RSA 674:41 must record a notice in the applicable county registry of deed relative to the limits of municipal responsibility and liability. Attached as Exhibit "C" please find the proposed Notice of Limits of Municipal Liability and Responsibility for Class VI Highway Pursuant to RSA 674:41, which would be recorded in the Hillsborough County Registry of Deeds prior to the issuance of any building permit for the Property.

We thank you in advance for your consideration of this request. If you have any questions or require additional information, please feel free to contact me.

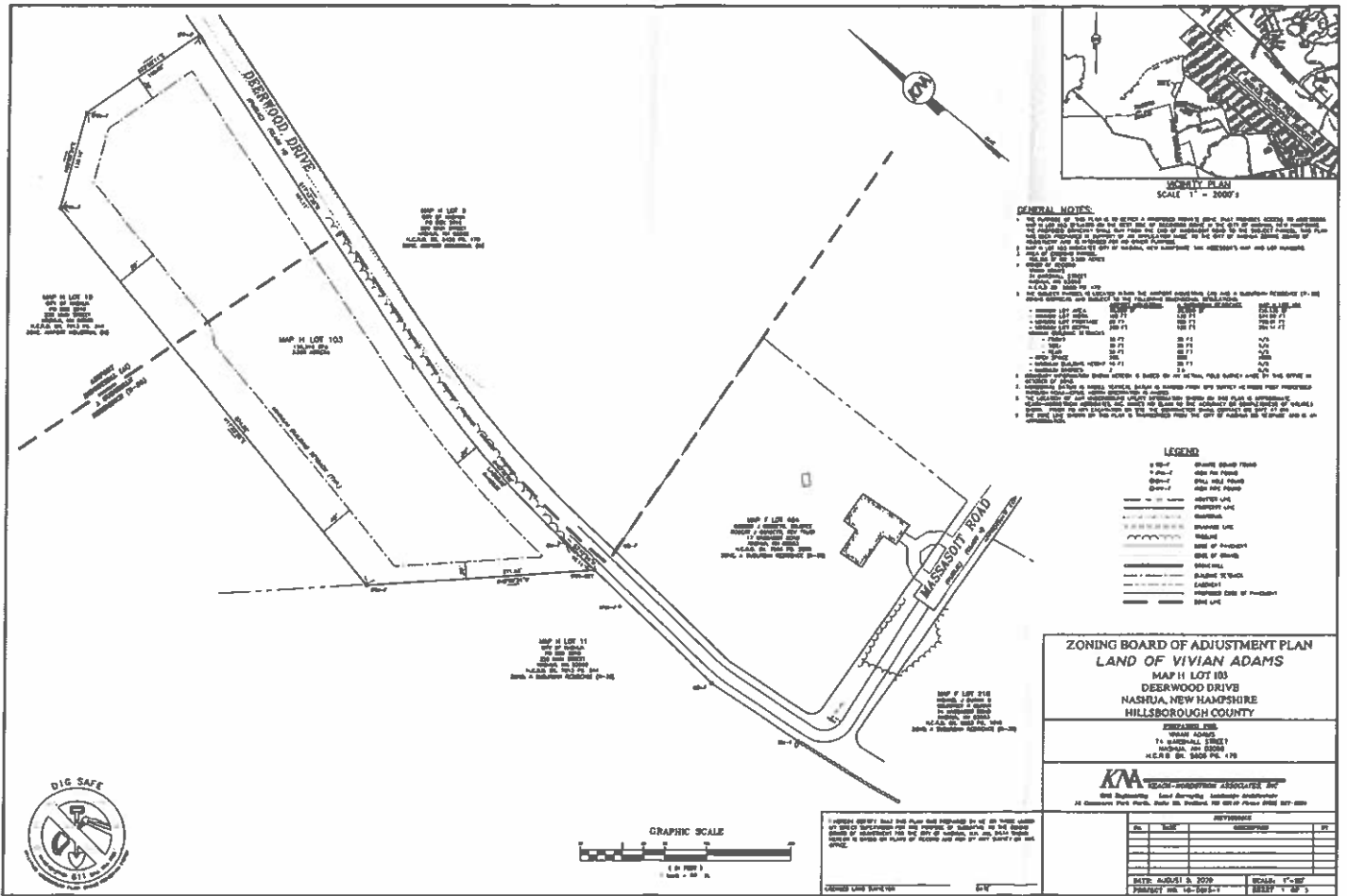
Sincerely yours,
CRONIN BISSON & ZALINSKY, P.C.

By: 
Daniel D. Muller, Jr.

DDM:bms

cc: Ms. Vivian Jean Adams
Mr. Matthew Sullivan, Director, City of Nashua Planning Department

EXHIBIT A



GENERAL NOTES:

- The purpose of this plan is to show a proposed zoning plan, that complies with all applicable laws and regulations of the State of New Hampshire, and to show the proposed zoning plan to the City of Nashua, New Hampshire.
- The proposed zoning plan shall be subject to the City of Nashua, New Hampshire, and shall be subject to the City of Nashua, New Hampshire, and shall be subject to the City of Nashua, New Hampshire.
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LEGEND

- 100-1 ZONING DISTRICT
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ZONING BOARD OF ADJUSTMENT PLAN
LAND OF VIVIAN ADAMS
MAP H LOT 103
DEERWOOD DRIVE
NASHUA, NEW HAMPSHIRE
HILLSBOROUGH COUNTY

ZONING DISTRICT
100-103
11 NASHUA STREET
NASHUA, NH 03083
H.C.R. 88, 5400 P.C. 170

K&M
K&M ASSOCIATES, INC.
600 Huntington Road, North Andover, Massachusetts
44 Chestnut Park Road, Suite 20, Andover, MA 01810 Phone 978-877-8800

DATE	DESCRIPTION	BY
DATE: AUGUST 5, 2020		
PROJECT NO. 19-2020-1		
SCALE: 1" = 50'		
SHEET 1 OF 1		

EXHIBIT B

EXHIBIT C

**NOTICE OF LIMITS OF MUNICIPAL LIABILITY AND RESPONSIBILITY
FOR CLASS VI HIGHWAY PURSUANT TO RSA 674:41**

Agreement and Release

NOW COMES **Vivian Jean Adams** (hereinafter, the "Owner"), of 74 Marshall Street, Nashua, New Hampshire 03060, (the "Owner") and the **City of Nashua** (hereinafter, the "City"), a municipal corporation existing under the laws of the State of New Hampshire with a principal address of 229 Main Street, Nashua, New Hampshire 03061-2019, and agree as follows with respect to certain property situated in the City of Nashua, County of Hillsborough, State of New Hampshire:

WHEREAS the Owner is the record owner of certain real property located at L Deerwood Drive, City of Nashua, County of Hillsborough, State of New Hampshire and identified as Tax Map, Lot in the City of Nashua assessing records pursuant to a deed dated October 10, 2002 and recorded in the Hillsborough County Registry of Deeds at Book 6738, Page 320 (the "Property");

WHEREAS the Property is located on Deerwood Drive (hereinafter, the "Road") in the City of Nashua, County of Hillsborough, State of New Hampshire;

WHEREAS the portion of Deerwood Drive upon which the Property fronts is a Class VI highway as classified by New Hampshire Revised Statutes Annotated 229:5;

WHEREAS, the access way to the Property would pass over not only a portion of the Road, but a currently unimproved portion of the Massasoit Road right of way (hereinafter, the "Right of Way"), which would be a Class VI highway as classified by New Hampshire Revised Statutes Annotated 229:5;

WHEREAS the City, pursuant to R-___ - ___, passed on _____, 202_, has agreed that a building permit may be issued for the construction of a single-family home on the Property, subject to any conditions of approval, any regulations or any ordinances which may otherwise govern such construction, upon the filing of the within notice pursuant to New Hampshire Revised Statutes Annotated 674:41;

NOW THEREFORE, the Owner and the City, on behalf of themselves, their heirs, legal representatives, successors and assigns, covenant and agree as follows:

1. The City shall allow for the issuance of building permits for the Property for the construction of a structure subject to any existing conditions of approval as well as any regulations or ordinances which may govern the construction of any structure thereon.
2. The City neither assumes responsibility for maintenance, including snow plowing, nor liability for any damages resulting from the use of the Road and Right of Way.

3. The owner of the Property shall be responsible for maintaining access to the Property and do hereby forever release and discharge the City, its officers, agents and employees from the obligation of maintaining the Road and Right of Way, to the extent the same remain a Class VI highways, and from any claim of any nature, whether in tort or otherwise, which the owner of the Property might have against the City for any loss or damage, including those incurred through failure to provide municipal services, including police, fire and ambulance services, arising out of the condition of the Road and Right of Way.
4. That the owner of the Property assumes responsibility for transporting any children from the Property to the nearest regular school bus stop.
5. That the owner of the Property assumes responsibility for the maintenance and repair of the Road and Right of Way and agrees that at her expense or at the expense of herself and other owners of properties similarly located on the Road or Right of Way, to repair and maintain the traveled portions of the Road and Right of Way in a good and passable condition;
6. This agreement is for the benefit of the City for the purposes set forth and shall not provide any affirmative rights to any other party or owner along Deerwood Drive or Massasoit Road to require any level of maintenance or access to any other parcel.
7. This Agreement shall run with the land and be binding on any grantees, successors, or assignees of the Owner. Without limiting the foregoing, this Agreement shall be binding on any future owners of L Deerwood Drive.

IN WITNESS WHEREOF, the parties have set their hands and seals this ____ of _____, 202_.

OWNER

Witness

Vivian Jean Adams

STATE OF NEW HAMPSHIRE
HILLSBOROUGH, SS.

This instrument was acknowledged before me on _____ 202_ by Vivian Jean Adams.

Justice of the Peace/Notary Public
My Commission expires:

CITY OF NASHUA
By Its Mayor, Duly Authorized

Witness

James Donchess, Mayor,
Its duly authorized agent

STATE OF NEW HAMPSHIRE
HILLSBOROUGH, SS.

This instrument was acknowledged before me on _____ 202_ by James Donchess, as Mayor on behalf of the City of Nashua.

Justice of the Peace/Notary Public
My Commission expires:



RESOLUTION

RENAMING “LOS AMIGOS PARK” TO “REVEREND DOCTOR PERKINS LOS AMIGOS PARK”

CITY OF NASHUA

In the Year Two Thousand and Twenty-Three

WHEREAS, Reverend Doctor Bertha Perkins was a strong proponent of multicultural unity and was very involved in the ongoing conversation on race and justice.

NOW, THEREFORE, BE IT RESOLVED by the Board of Aldermen of the City of Nashua that “Los Amigos Park” now be known as “Reverend Doctor Perkins Los Amigos Park”.

LEGISLATIVE YEAR 2023

RESOLUTION: R-23-130

PURPOSE: Renaming “Los Amigos Park” as “Reverend Doctor Perkins Los Amigos Park”

ENDORSERS: Alderman Thomas Lopez

**COMMITTEE
ASSIGNMENT:** Committee on Infrastructure

FISCAL NOTE: Signage.

ANALYSIS

This resolution renames “Los Amigos Park” as “Reverend Doctor Perkins Los Amigos Park”.

Approved as to form: Office of Corporation Counsel

By: Donby Clark

Date: 17 June 2023