

COMMITTEE ON INFRASTRUCTURE

AUGUST 23, 2023

7:00 PM

Aldermanic Chamber

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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

DISCUSSION

UNFINISHED BUSINESS

NEW BUSINESS – RESOLUTIONS

**R-23-143**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman John Sullivan  
Alderman Patricia Klee  
Alderman Thomas Lopez  
Alderman Richard A. Dowd  
Alderman Tyler Gouveia  
Alderman-at-Large Gloria Timmons

**AUTHORIZING THE SALE OF A TAX DEEDED PROPERTY LOCATED AT 14 MEADOW LANE**

**R-23-144**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman John Sullivan  
Alderman Patricia Klee  
Alderman Thomas Lopez  
Alderman Richard A. Dowd  
Alderman Tyler Gouveia  
Alderman-at-Large Gloria Timmons

**AUTHORIZING THE SALE OF A TAX DEEDED PROPERTY LOCATED AT 17 JACKSON STREET**

**R-23-145**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman John Sullivan  
Alderman Patricia Klee  
Alderman Thomas Lopez  
Alderman Richard A. Dowd  
Alderman Tyler Gouveia  
Alderman-at-Large Gloria Timmons

**AUTHORIZING THE SALE OF A TAX DEEDED PROPERTY LOCATED AT 19 NEW SEARLES ROAD**

**R-23-146**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman John Sullivan  
Alderman Patricia Klee  
Alderman Thomas Lopez  
Alderman Richard A. Dowd  
Alderman Tyler Gouveia  
Alderman-at-Large Gloria Timmons

**AUTHORIZING THE SALE OF A TAX DEEDED PROPERTY LOCATED AT 115-117 WEST HOLLIS STREET**

**R-23-147**

Endorsers: Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman John Sullivan  
Alderman Patricia Klee  
Alderman Richard A. Dowd  
Alderman Tyler Gouveia  
Alderwoman-at-Large Gloria Timmons

**AUTHORIZING THE SALE OF A TAX DEEDED PROPERTY LOCATED AT L BRIDGE STREET**

NEW BUSINESS – ORDINANCES

**O-23-058**

Endorsers: Alderman June M. Caron  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Patricia Klee  
Alderman-at-Large Melbourne Moran, Jr.  
Alderman Richard A. Dowd  
Alderman-at-Large Lori Wilshire

**AUTHORIZING A STOP SIGN ON MARCH STREET AT ITS INTERSECTION WITH DUDLEY STREET**

TABLED IN COMMITTEE

L Deerwood Drive – Lot H-103

- tabled at 6/28/23 meeting

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](http://www.nashuanh.gov)

## MEMORANDUM

*Amended*  
*July 20, 2023*

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 the petition for building permit on Deerwood Drive, Lot H- Sheet 103 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](mailto:durfees@nashuanh.gov).

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



## RESOLUTION

**AUTHORIZING THE SALE OF A TAX DEEDED PROPERTY LOCATED  
AT 14 MEADOW LANE**

***CITY OF NASHUA***

*In the Year Two Thousand and Twenty Three*

**WHEREAS**, the property located at 14 Meadow Lane (Sheet 0000D, Lot 00139) was obtained by tax deed by the City of Nashua on April 21, 2023, Hillsborough Country Registry of Deeds Book 9695, Page 2801; and

**WHEREAS**, the Board of Aldermen has determined that the property should not be retained for public use.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Aldermen of the City of Nashua that the Mayor is hereby authorized to convey the parcel by deed subsequent to an advertised public auction in accordance with NRO Section 5-116 and applicable state law. The Mayor, with the assistance of Corporation Counsel, is authorized to prepare and execute all necessary documents.

**LEGISLATIVE YEAR 2023**

**RESOLUTION:**

R-23-143

**PURPOSE:**

Authorizing the sale of a tax deeded property located at 14 Meadow Lane

**SPONSOR(S):**

Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman John Sullivan  
Alderman Patricia Klee  
Alderman Richard A. Dowd  
Alderman Thomas Lopez  
Alderman Tyler Gouveia  
Alderwoman-at-Large Gloria Timmons  
Committee on Infrastructure

**COMMITTEE  
ASSIGNMENT:**

**FISCAL NOTE:**

The proceeds of the sale will reduce the outstanding delinquent tax liability owed to the City of Nashua. Estimated market value of this mobile home property is \$80,000.

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**ANALYSIS**

This legislation authorizes the sale of the tax deeded property located at 14 Meadow Lane by auction pursuant to NRO Section 5-116 and RSA 80:42.

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**Approved as to account  
structure, numbers,  
and amount:**

**Financial Services Division**

By: 

**Approved as to form:**

**Office of Corporation Counsel**

By: 

Date: 8/2/2023



## RESOLUTION

**AUTHORIZING THE SALE OF A TAX DEEDED PROPERTY LOCATED  
AT 17 JACKSON STREET**

### ***CITY OF NASHUA***

*In the Year Two Thousand and Twenty Three*

**WHEREAS**, the property located at 17 Jackson Street (Sheet 0039, Lot 00027) was obtained by tax deed by the City of Nashua on April 21, 2023, Hillsborough Country Registry of Deeds Book 9695, Page 2798; and

**WHEREAS**, the Board of Aldermen has determined that the property should not be retained for public use.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Aldermen of the City of Nashua that the Mayor is hereby authorized to convey the parcel by deed subsequent to an advertised public auction in accordance with NRO Section 5-116 and applicable state law. The Mayor, with the assistance of Corporation Counsel, is authorized to prepare and execute all necessary documents.

**LEGISLATIVE YEAR 2023**

**RESOLUTION:**

**R-23-144**

**PURPOSE:**

**Authorizing the sale of a tax deeded property located at 17 Jackson Street**

**SPONSOR(S):**

**Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman John Sullivan  
Alderman Patricia Klee  
Alderman Richard A. Dowd  
Alderman Tyler Gouveia  
Alderman-at-Large Gloria Timmons  
Alderman Thomas Lopez  
Committee on Infrastructure**

**COMMITTEE  
ASSIGNMENT:**

**FISCAL NOTE:**

**The proceeds of the sale will reduce the outstanding delinquent tax liability owed to the City of Nashua. Estimated market value of this industrial warehouse property is \$450,000.**

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**ANALYSIS**

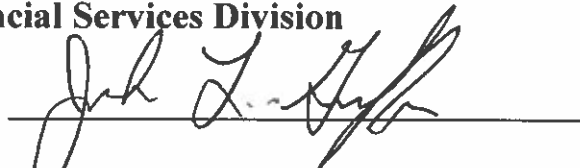
This legislation authorizes the sale of the tax deeded property located at 17 Jackson Street by auction pursuant to NRO 5-116 and RSA 80:42.

---

**Approved as to account  
structure, numbers,  
and amount:**

**Financial Services Division**

**By:**



**Approved as to form:**

**Office of Corporation Counsel**

**By:**



**Date:**

**8/2/2023**



## RESOLUTION

**AUTHORIZING THE SALE OF A TAX DEEDED PROPERTY LOCATED  
AT 19 NEW SEARLES ROAD**

### ***CITY OF NASHUA***

*In the Year Two Thousand and Twenty Three*

**WHEREAS**, the property located at 19 New Searles Road (Sheet 0000B, Lot 00620) was obtained by tax deed by the City of Nashua on April 21, 2023, Hillsborough Country Registry of Deeds Book 9695, Page 2795; and

**WHEREAS**, the Board of Aldermen has determined that the property should not be retained for public use.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Aldermen of the City of Nashua that the Mayor is hereby authorized to convey the parcel by deed subsequent to an advertised public auction in accordance with NRO Section 5-116 and applicable state law. The Mayor, with the assistance of Corporation Counsel, is authorized to prepare and execute all necessary documents.



**LEGISLATIVE YEAR 2023**

**RESOLUTION:**

**R-23-145**

**PURPOSE:**

**Authorizing the sale of a tax deeded property located at 19 New Searles Road**

**SPONSOR(S):**

**Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman John Sullivan  
Alderman Patricia Klee  
Alderman Thomas Lopez  
Alderman Richard A. Dowd  
Alderman Tyler Gouveia  
Alderman-at-Large Gloria Timmons  
Committee on Infrastructure**

**COMMITTEE  
ASSIGNMENT:**

**FISCAL NOTE:**

**The proceeds of the sale will reduce the outstanding delinquent tax liability owed to the City of Nashua. Estimated market value of this fire damaged property is \$142,000.**

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**ANALYSIS**

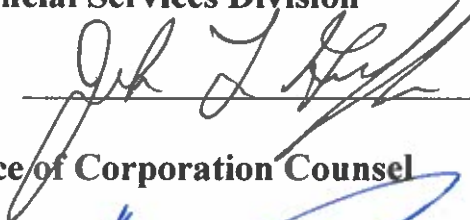
This legislation authorizes the sale of the tax deeded property located at 19 New Searles Road by auction pursuant to NRO 5-116 and RSA 80:42.

---

**Approved as to account  
structure, numbers,  
and amount:**

**Financial Services Division**

**By:**



**Approved as to form:**

**Office of Corporation Counsel**

**By:**



**Date:**

8/2/2023



## RESOLUTION

**AUTHORIZING THE SALE OF A TAX DEEDED PROPERTY LOCATED  
AT 115-117 WEST HOLLIS STREET**

### ***CITY OF NASHUA***

*In the Year Two Thousand and Twenty Three*

**WHEREAS**, the property located at 115-117 West Hollis Street (Sheet 0085, Lot 00015) was obtained by tax deed by the City of Nashua on April 21, 2023, Hillsborough County Registry of Deeds Book 9695, Page 2796; and

**WHEREAS**, the Board of Aldermen has determined that the property should not be retained for public use.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Aldermen of the City of Nashua that the Mayor is hereby authorized to convey the parcel by deed subsequent to an advertised public auction in accordance with NRO Section 5-116 and applicable state law. The Mayor, with the assistance of Corporation Counsel, is authorized to prepare and execute all necessary documents.

**LEGISLATIVE YEAR 2023**

**RESOLUTION:**

R-23-146

**PURPOSE:**

Authorizing the sale of a tax deeded property located at 115-117 West Hollis Street

**SPONSOR(S):**

Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman John Sullivan  
Alderman Patricia Klee  
Alderman Thomas Lopez  
Alderman Richard A. Dowd  
Alderman Tyler Gouveia  
Alderman-at-Large Gloria Timmons  
Committee on Infrastructure

**COMMITTEE  
ASSIGNMENT:**

**FISCAL NOTE:**

The proceeds of the sale will reduce the outstanding delinquent tax liability owed to the City of Nashua. Estimated market value of this two family property is \$474,000.

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**ANALYSIS**

This legislation authorizes the sale of the tax deeded property located at 115-117 West Hollis Street by auction pursuant to NRO 5-116 and RSA 80:42.

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Approved as to account structure, numbers, and amount:

Financial Services Division

By: 

Approved as to form:

Office of Corporation Counsel

By: 

Date: 8/2/2023



## RESOLUTION

### AUTHORIZING THE SALE OF A TAX DEEDED PROPERTY LOCATED AT L BRIDGE STREET

### *CITY OF NASHUA*

*In the Year Two Thousand and Twenty Three*

**WHEREAS**, the property located at L Bridge Street (Sheet 0039, Lot 00034) was obtained by tax deed by the City of Nashua on April 21, 2023, Hillsborough Country Registry of Deeds Book 9695, Page 2799; and

**WHEREAS**, the Board of Aldermen has determined that the property should not be retained for public use.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Aldermen of the City of Nashua that the Mayor is hereby authorized to convey the parcel by deed subsequent to an advertised public auction in accordance with NRO Section 5-116 and applicable state law. The Mayor, with the assistance of Corporation Counsel, is authorized to prepare and execute all necessary documents.

**LEGISLATIVE YEAR 2023**

**RESOLUTION:**

R-23-147

**PURPOSE:**

Authorizing the sale of a tax deeded property located at L Bridge Street

**SPONSOR(S):**

Mayor Jim Donchess  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman John Sullivan  
Alderman Patricia Klee  
Alderman Richard A. Dowd  
Alderman Tyler Gouveia  
Alderwoman-at-Large Gloria Timmons

**COMMITTEE  
ASSIGNMENT:**

Committee on Infrastructure

**FISCAL NOTE:**

The proceeds of the sale will reduce the outstanding delinquent tax liability owed to the City of Nashua. Estimated market value of this vacant lot property is \$62,000.

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**ANALYSIS**

This legislation authorizes the sale of the tax deeded property located at L Bridge Street by auction pursuant to NRO 5-116 and RSA 80:42.

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**Approved as to account  
structure, numbers,  
and amount:**

**Financial Services Division**

By: 

**Approved as to form:**

**Office of Corporation Counsel**

By: 

Date: 8/2/2023



## ORDINANCE

### AUTHORIZING A STOP SIGN ON MARCH STREET AT ITS INTERSECTION WITH DUDLEY STREET

### *CITY OF NASHUA*

*In the Year Two Thousand and Twenty-Three*

*The City of Nashua ordains* that Part II “General Legislation”, Chapter 320 “Vehicles and Traffic”, Article III “Stop and Yield Intersections”, Section 320-4 “Stop intersections”, subsection D of the Nashua Revised Ordinances, as amended, be hereby further amended by adding the following new underlined language in the appropriate alphabetical order:

**“§ 320-4. Stop intersections.**

...

- D. The following intersections are hereby designated as stop or through streets, and authority is hereby granted for the erection of a stop sign at the corner so designated in accordance with the tenor of this chapter:

<b>Stop Sign on</b>	<b>Sign Location</b>	<b>At Intersection of</b>
...		
<u>March Street</u>	<u>Northeast corner</u>	<u>Dudley Street”</u>

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This ordinance shall become effective at the time of removal and/or installation of the necessary sign(s) and/or device(s).

**LEGISLATIVE YEAR 2023**

**ORDINANCE:**

**O-23-058**

**PURPOSE:**

**Authorizing a stop sign on March Street at its intersection with Dudley Street**

**ENDORSER(S):**

**Alderman June M. Caron  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Patricia Klee  
Alderman-at-Large Melbourne Moran, Jr.  
Alderman Richard A. Dowd  
Alderman-at-Large Lori Wilshire**

**COMMITTEE  
ASSIGNMENT:**

**Committee on Infrastructure**

**FISCAL NOTE:**

**Materials, labor and vehicle overhead for sign installation:  
\$171**

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**ANALYSIS**

This legislation authorizes a stop sign on the northeast corner of March Street at its intersection with Dudley Street.

The erection, removal and maintenance of all traffic control devices must conform to applicable state statutes and the latest edition of the Manual on Uniform Traffic Control Devices. RSA 47:17 VIII (a). The Board should consult with the city's Traffic Engineer to determine if this ordinance is in compliance.

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**Approved as to form:**

**Office of Corporation Counsel**

**By: /s/Dorothy Clarke**

**Date: August 2, 2023**

**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*

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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](mailto: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:

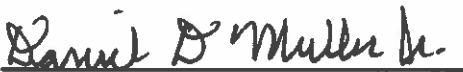
- The driveway would need to meet the minimum width of a fire lane which is 20 feet.
- The minimum of 20 feet needs to be maintained at all times. No parking signs would be needed along the roadway.
- A fire department access road shall extend to within 50 feet of at least one exterior door.
- Dead end 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.

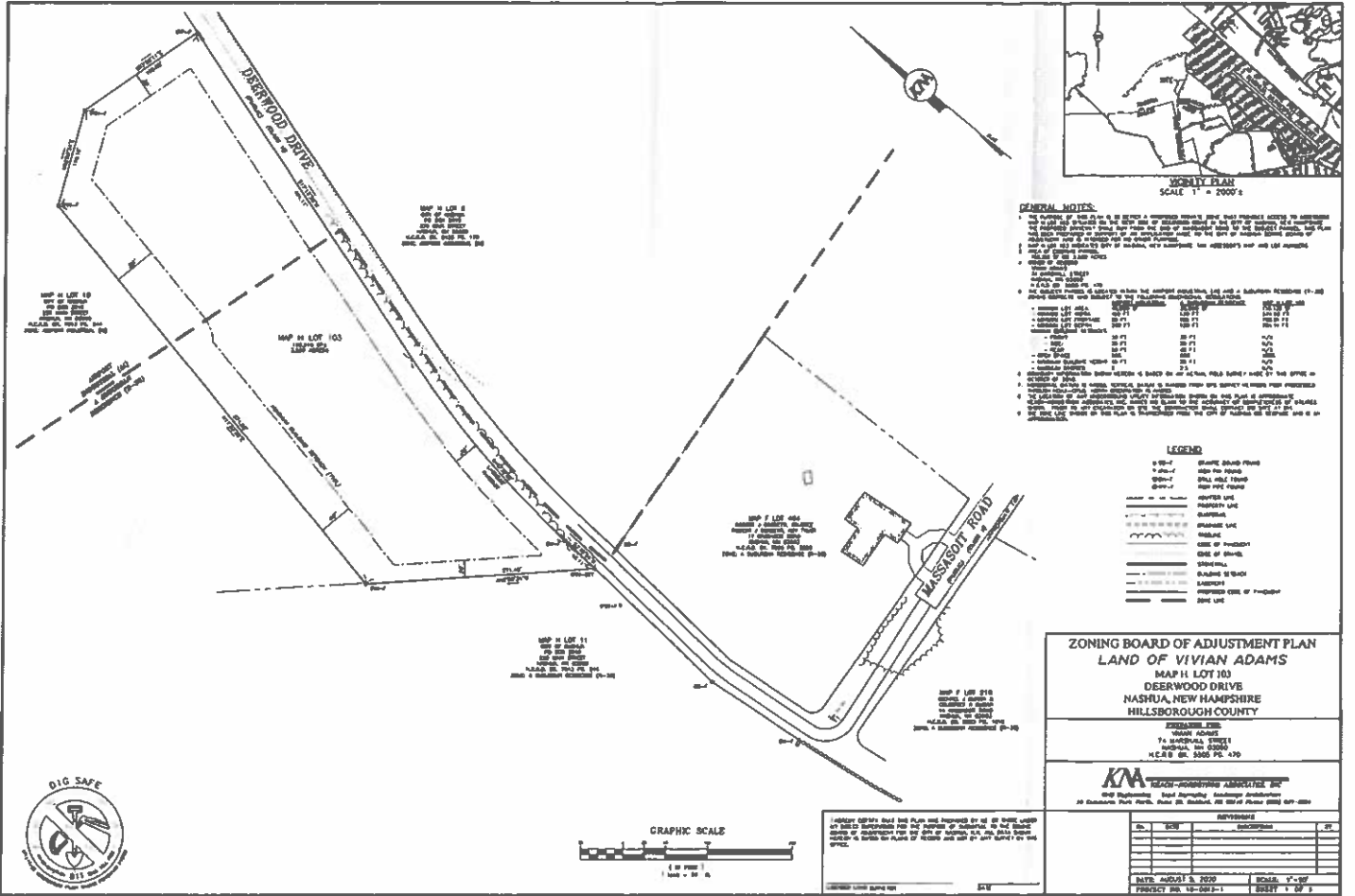
By:   
Daniel D. Muller, Jr.

DDM:bms

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

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EXHIBIT A



- GENERAL NOTES:**
1. THE MAPS OF THIS PLAN ARE TO BE USED AS A GUIDE TO THE ZONING BOARD'S DECISIONS. THEY DO NOT PROVIDE ACCESS TO ADJUDICATE THE APPLICABILITY OF THE ZONING BOARD'S DECISIONS TO ANY PARTICULAR CASE OR TO THE APPLICABILITY OF ANY OTHER ZONING BOARD'S DECISIONS TO ANY PARTICULAR CASE.
  2. THE ZONING BOARD'S DECISIONS SHALL BE FINAL AND NOT SUBJECT TO APPEAL.
  3. THE ZONING BOARD'S DECISIONS SHALL BE APPLIED TO ALL PROPERTIES WITHIN THE ZONING DISTRICTS SHOWN ON THIS MAP UNLESS OTHERWISE SPECIFIED.
  4. THE ZONING BOARD'S DECISIONS SHALL BE APPLIED TO ALL PROPERTIES WITHIN THE ZONING DISTRICTS SHOWN ON THIS MAP UNLESS OTHERWISE SPECIFIED.
  5. THE ZONING BOARD'S DECISIONS SHALL BE APPLIED TO ALL PROPERTIES WITHIN THE ZONING DISTRICTS SHOWN ON THIS MAP UNLESS OTHERWISE SPECIFIED.
  6. THE ZONING BOARD'S DECISIONS SHALL BE APPLIED TO ALL PROPERTIES WITHIN THE ZONING DISTRICTS SHOWN ON THIS MAP UNLESS OTHERWISE SPECIFIED.

- LEGEND**
- ZONING DISTRICT
  - SUBDIVISION
  - EASEMENT
  - LOT
  - STREET
  - PROPERTY LINE
  - RIGHT-OF-WAY LINE
  - CURB LINE
  - SIDEWALK
  - DRIVEWAY
  - DRIVE
  - DRIVEWAY
  - DRIVE
  - DRIVEWAY
  - DRIVE

**ZONING BOARD OF ADJUSTMENT PLAN  
LAND OF VIVIAN ADAMS**

**MAP 11 LOT 110  
DEERWOOD DRIVE  
NASHUA, NEW HAMPSHIRE  
HILLSBOROUGH COUNTY**

**PREPARED BY:  
K&M ENGINEERING AND ARCHITECTURE, INC.  
74 MARSHALL STREET  
NASHUA, NH 03003  
H.E.B. DR. 3365 PS. 470**

**K&M ENGINEERING AND ARCHITECTURE, INC.**

1000 Highway 1, Nashua, NH 03003  
203-888-8888  
203-888-8889

NO.	DATE	DESCRIPTION	BY

DATE: AUGUST 5, 2020      SCALE: 1" = 50'  
PROJECT NO. 19-002-1      SHEET 1 OF 1

ADJUSTMENT BOARD PLAN AND APPROVED BY ALL OF WHICH UNDER THE ZONING BOARD'S DECISIONS. THE ZONING BOARD'S DECISIONS SHALL BE FINAL AND NOT SUBJECT TO APPEAL. THE ZONING BOARD'S DECISIONS SHALL BE APPLIED TO ALL PROPERTIES WITHIN THE ZONING DISTRICTS SHOWN ON THIS MAP UNLESS OTHERWISE SPECIFIED.

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# EXHIBIT B



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# 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: