



THE CITY OF NASHUA

Division of Public Works

Administration

"The Gate City"

Board of Public Works Special Meeting of May 19, 2020

Agenda

A meeting of the Board of Public Works is scheduled for Tuesday, May 19, 2020 at 3:00 p.m. via WebEx Conference Call.

- I. Roll Call**
- II. Motion:** To approve the agenda as presented.
- III. Administration**
 - A. Informational:** Narrowing of Main Street
- IV. Commissioner's Comments**

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**CITY OF NASHUA
OFFICE OF CORPORATION
COUNSEL
MEMORANDUM**

TO: Mayor & Board of Aldermen
Board of Public Works

FROM: Office of Corporation Counsel

DATE: May 15, 2020

RE: Authority to close streets

With the new “social distancing” requirements due to Covid-19 which the state has required for restaurants, the City is seeking to assist restaurants by accommodating expanded outdoor dining areas abutting and directly in line with the restaurant’s property. To do so, legislation authorizing the closure for a period of months of portions of certain roads to vehicular traffic and elimination of some on-street parking is being considered. It is the opinion of this office that it is the Board of Aldermen which is vested with the power to authorize such temporary closures of the public right of way to vehicular traffic and temporary elimination of parking spaces.

State law grants the Board of Aldermen broad authority to regulate the use of public roads and sidewalks. This authority includes the power to enact ordinances, rules, regulations and bylaws for the purposes of regulating A) “all streets and public ways, . . . and the use thereof,” RSA 47:17, VII, B) “the use of vehicles upon particular highways, except as to speed, and to exclude such vehicles altogether from certain ways” RSA 47:17, VIII, and C) “the parking, standing and stopping of automobiles within the city limits,” RSA 47:17, XVIII. Sidewalks are a component part of a public road.

Section 63 of City’s Charter grants the Board of Public Works jurisdiction, “subject to the laws of the state, and to such laws and regulations in the premises, as the Board of Aldermen may from time to time ordain for its guidance and for the public protection and convenience, to grant, deny and revoke permits and licenses,” including permits for temporary obstructions, like outdoor dining.

The Board of Aldermen has ordained that the Board of Public Works has the authority to “grant a license in writing to any person for the purpose of building or for other lawful purposes, to obstruct or encumber so much and such part of any street, lane, alley, sidewalk, or other public place in the City, and on such terms and conditions as they may deem safe and proper.” NRO 285-9. The authority remains subject to the other laws adopted by the Board of Aldermen, such as the one proposed for temporary closures and elimination of parking spaces which will expand the area for which an outdoor dining permit may be issued.

The Charter allows the Board of Public Works to delegate issuance of temporary licenses. Permits for outdoor dining are temporary and their issuance has been delegated to the Department of Public Works administration, subject to the rules and regulations adopted by the Board of Public Works. If the proposed ordinance is adopted by the Board of Aldermen, outdoor dining permits would continue to be approved in the newly-expanded area subject to all applicable state and City procedures and rules, including those of the Board of Public Works, Fire Marshal, and Public Health.



To: Mayor Donchess
Commissioners Pappas, Teas, Moriarty, and Schoneman
From: T. Cummings, Economic Development Director

Cc: Lisa Fauteux
Date: April 27, 2020

Re: Request for Special Board of Public Works to Provide an Informational Briefing on Narrowing Main Street

The Covid-19 pandemic is unprecedented in the challenge it has posed not only to our physical health, but also to our economic health. I have been working closely with local businesses in an attempt to help them mitigate financial and economic damage during this difficult time.

The Governor of New Hampshire is now allowing restaurants to open with severe restrictions. The only on-site dining that will be allowed for the foreseeable future, will be limited to outdoor dining. To that end, my discussions with area dining establishments has been how to implement the re-opening of their restaurants, while adhering to State Guidelines to maintain social distancing practices.

Main Street is the heart of our City both figuratively and economically. We have many fine food and drink establishments that add quality of life for our residents. After much discussion and debate, our best plan going forward would be to extend outdoor dining into the street/parking spaces, allowing for enough distance between tables (8 feet table edge to table edge) and enough tables to make these businesses viable.

The plan would call for the temporary blocking off of parking spaces; as well, as intermittently blocking some travel lanes to facilitate this plan and allow for small businesses to begin to recover . Concrete barriers will be placed along the edge of the road for pedestrian safety. Pedestrian egress and ADA compliancy will be maintained. There will be one lane open in each direction for vehicular traffic. We will be working with Nashua Police, Nashua Fire, Public Works, Public Health and the Mayor's Office to move forward with this plan.

I wanted to make you aware of this initiative and request a special board of public works meeting where I can go over this plan in more detail. I am happy to answer any questions and seek your input at this informational briefing. My plan would be to shortly thereafter appear in front of the Board of Aldermen to seek their approval.

Thank you for your kind attention to this important matter.