

COMMITTEE ON INFRASTRUCTURE

JUNE 17, 2019

A meeting of the Committee on Infrastructure was held Monday, June 17, 2019, at 7:32 p.m. in the Aldermanic Chamber.

Alderman-at-Large Michael B. O'Brien, Sr., Chair, presided.

Members of Infrastructure Committee present: Alderman Jan Schmidt
Alderman Ernest A. Jette

Members not in Attendance: Alderman Tom Lopez, Vice Chair
Alderman Ken Gidge

Also in Attendance: Alderman Patricia Klee
Alderman Richard A. Dowd

Chairman O'Brien

This is open Public Comment if anybody has any discussion on issues that are up on the agenda tonight, such as your petitions. If you want to come and speak forward, if you felt in the earlier meeting where you gave enough testimony you don't really have to come up. So any public comment?

PUBLIC COMMENT

Andy Prolman Mr. Chairman, members of the Committee, my name is Andy Prolman. I am here to talk about the petition for the façade easement. If you would like I could speak to it at the time it comes before the Committee?

Chairman O'Brien

When that comes before the Committee, then I will call you up Mr. Pearlman and you can bring your point to the Committee. Thank you.

COMMUNICATIONS - None

PETITIONS

Address Change Petition - Sheet 67, Lot 47 – 7 Amherst Street, Nashua

MOTION BY ALDERMAN SCHMIDT TO RECOMMEND GRANTING THE PETITION

ON THE QUESTION

Chairman O'Brien

Committee members and others, if you look up, we have 7 Amherst Street. As what we heard by the petitioner, I have my nice little TV that is up here, so I can face you people but can't see it, so please bear with me as we work up here. This is 7 Amherst Street and as we see the petitioner wants to be considered an Abbott Street address. And as we look at it, I guess we can pretty much come to some conclusion that the front of the building looks more appropriate with the Abbott Street address; as compared to 7 Amherst Street. Now in looking, additional testimony, this goes before the Fire Marshall, the Police Department, GIS and Sarah

Marchant from the Building Department and Mr. Wilkins a Planner and it goes through our Legal Department. They have looked at the petition for 7 Amherst Street and they recommend that the petition be approved. Ms. Marchant, do you have any further that you would like to add on this matter? Any discussion on the motion to approve the granting of the petition at 7 Amherst Street.

Alderman Schmidt

I have a question, is it clear that the driveway is not on Amherst Street, it's on the ... yes? And that's where your mailbox is? Yes? Thank you.

Alderman Klee

Yes as this in my Ward I can attest to the fact that any deliveries on Amherst Street, or even trying to slow down within that area is very, very difficult. There is a lot of different intersections coming into there and to be able to change it to that where their door, where their entrance is, and mailbox and so on, I would strongly recommend this.

MOTION CARRIED

Address Change Petition - Sheet 87, Lot 18 – 13 Second Street, Nashua

MOTION BY ALDERMAN SCHMIDT TO RECOMMEND DENYING THE PETITION

ON THE QUESTION

Chairman O'Brien

We did hear from our friends who look at the address change and one of the problems with it is it didn't meet the 911 and could you type in, while I'm explaining. Would the Clerk be so kind as to bring up 13 Second Street. If we can get it up, it is on the corner of Second Street and North Groton and looking at it, it would be if I understand this correctly, it would be 11 Second Street, 13 Second Street, 7 North Groton and 9 North Groton. Ok, the North Groton is on another street yet I can see where this difficulty with it. But what it is, it comes down to the Police and Fire with the dispatch and where are they going to basically go.

Alderman Schmidt

You don't need to put in Street?

Alderman Jette

You do because there is a Second Street and a Second Avenue.

Chairman O'Brien

Yes hopefully it will all come up now. So basically the petitioner is saying approximately where my cursor is here, that would be 11 and then somewhere in this vicinity would be 13. And then looking North Groton Street, where this North Groton Street here, we will have back here #7 would be right about here where the cursor is. Ok and then in this little "L" back here, will be 9 north Groton. I can see with the majority of structures in this particular neighborhood, their addressing is going by Second Street and not so much by the North Groton Street address. So I can see some of the problem that our friends are bringing up. What they have said is the request before you is not compliant with the current NH E-911 Standard. The Standard states that one primary structure requires one number addressing. If there are multiple primary structures, each building will require its own number.

Further, in small multi-unit structures, including duplexes, townhouses, the sub-address should be alphabetical. So therefore it is this Committee's recommendation to continue moving forward in a way that will not create a non-compliant situation for future residents. We recommend that this petition be denied for the above reason. Any discussion on the motion before us?

MOTION CARRIED

Petition to Release Façade Easement

MOTION BY ALDERMAN SCHMIDT O REFER THE PETITION TO THE PLANNING BOARD AND TABLE PENDING A RECOMMENDATION

ON THE QUESTION

Chairman O'Brien

Mr. Prolman since we have the motion, I'll let you come up and to state please?

Attorney Prolman Again Andy Prolman, Attorney with Prunier & Prolman of Nashua. And I have with me tonight my client's Alla Maak a Limited Liability Company. Jon Randall and Camille Libose are the members of the Alla Maak. Mr. Chairman if I may, I didn't quite catch the opening comment from Ms. Schmidt. Was that a referral to the Planning Board?

Chairman O'Brien

Yes, could the Clerk please re-state her Motion?

Alderman Schmidt

To refer the petition to the Planning Board and Table pending recommendation.

Attorney Prolman Procedurally would it been come back to this Committee before going back to the Aldermen.

Chairman O'Brien

That is correct. So what we are doing, I don't know really what you are going to do. There is a previous lien when they first started this in 1982, if I have that correct from my homework on the matter.

Attorney Prolman You do.

Chairman O'Brien

There was an agreement that the current structure would remain the same. It seems now there may be some changes in the current structure may as it sits right now be in some form of jeopardy. But we don't know what is going to necessarily replace it. Ok? So what we are doing is re-referring this matter now to the Planning Board where that maybe you might be able to bring up some of your concerns or ideas. And then it will be determined with the Planning Board and then ultimately come back to the decision of this Board whether to accept that petition and make the recommendation for your petition.

Attorney Prolman That being the case Mr. Chairman, would I be better off coming back to you when this does come back to you after the Planning Board?

Alderman O'Brien

I would say so because I think right now you are going to be explaining to this particular board, I think that you would feel more within your realm to be before the Planning Board to have this discussion where they are more attuned and looking at that previous lien for that particular structure. Then work that out at that particular time and then be able to work that matter out and let the Planning Board refer it back to us.

Attorney Prolman Ok one final question.

Chairman O'Brien

Absolutley.

Attorney Prolman When would your next meeting be?

Chairman O'Brien

Our next meeting scheduled for this time I think is July 24th.

Attorney Prolman July 24th, ok.

Chairman O'Brien

Now I don't know how this is going to jump on or piggy-back with the Planning Board meetings, I really don't know. Oh excuse me, we have our Sarah Marchant, could you please come forward. Please have a seat, thank you. Director Sarah Marchant.

Sarah Marchant, Director Community Development

It is on the Planning Board's agenda for this Thursday, the 20th if the referral goes through. So it could be to them this Thursday.

Attorney Prolman Mr. Chairman, the delay from this Thursday out to July 24th is problematic for my folks because they are hoping to move along with their plans to sell the property. I don't want that delay to jeopardize anything.

Chairman O'Brien

I understand that but I am really going to say, taking into looking at your petition, right now there is a previous lien that was agreed to in 1982. By referring this to the Planning Board may not necessarily fit within your timeframe but it would be my personal recommendation if you had something to bring forward on it, that would be for your best interests. Other than that, if we yank that, then we may have a motion before us to deny the petition. So I am trying to graciously tell you that your nose is right above the water right now. Swim.

Attorney Prolman I could taste the water. Well Mr. Chairman I thank you very much for your time. I have another matter before the Board, I am going to stick around.

Chairman O'Brien

You are welcome to stay Mr. Prolman. Thank you.

Chairman O'Brien

Alderman Jette please. It is open for discussion.

Alderman Jette

Would it not be possible for us, not knowing how anyone else might vote on this, isn't it possible for us to vote to recommend final passage contingent upon the Planning Board's approval.

Chairman O'Brien

I am going to take a stab at it and I am going to see if I answer incorrectly to throw it to Director Marchant. The thing is right now we have this property and just again, to rehash it; in 1981 the owners of 452 Amherst Street they converted the existing house into the Country Tavern Restaurant. A condition of approval was imposed by the Zoning Board of Adjustment for the use of the variance to allow the restaurant, was to maintain the esthetics of the building. If we do anything other than this recommending that it go before the Planning Board could jeopardize the standing agreement that is under on that building. Am I correct?

Ms. Marchant

I'm not sure about that. I think the petition that is here before you is you own the ownership rights of this lien essentially and they are asking for that to be deleted. Going to the Planning Board to get their advice is part of your normal process and that is how you do business when you have something related to a Planning Board matter. The applicant regardless of the easement or not to do something else with the property will have to go before the Planning Board and will have to show what needs to be done if this easement is in place what needs to be done with this property and then get your written permission to do that. Or it would need this easement eradicated; so they will be before the Planning Board either way either with the easement in place or not.

Alderman Jette

When I hear you say that the façade easement, if I'm using that term correctly was imposed by the Zoning Board of Adjustment. Do you also have to go before the Zoning Board of Adjustment or not?

Attorney Prolman If I may, two points. First to answer Attorney Jette's or Alderman Jette's question. The answer is "no" because the Zoning Board does not have authority to deal with Real Estate related matters in terms of granting or taking easements away. That lies with a municipal body, the Board of Aldermen. The Zoning Board has very limited roles under State Statutes. Mr. Chairman if I may the problem – we are happing to go to the Planning Board and explain what we are trying to do. But we have no set plans right now to present to the Planning Board, that's very premature. We are just looking to get the City's permission to release the easement so that we can talk to potential buyers so that we can come up with plans to go to the Planning Board. We are happy to go Thursday and explain where we are, but we have no plans of any substance to present to the Planning Board at this time.

Chairman O'Brien

And I can understand that but in my homework and my studies and discussing this with legal and everything; to give up such a covenant, when I say covenant such as this saying that the façade would stay the same. It is something that the City doesn't want to give up. This is a very old structure, it has some historic value to that particular neighborhood. Right now I've got to think as the City; I understand it is not germane to the other three corners that are around it, I understand. But before I relinquish our control over that, I really would like to hear from you and your stakeholders, basically why should we, explain it to that Board why should we relinquish the control of that façade as it looks right now. In other words, I am going to take the position that I would recommend this Board to protect one of the gems of the City. It is an old building. If we relinquish that then I don't know what your stakeholders want it, to be a gas station or anything else? It is something that I feel we should guard at this particular time.

Attorney Prolman Well that being the case then I believe the motion was to Table. I would go to the Planning Board and come back to you.

Chairman O'Brien

Right and I think that would be the better, at least it gives you some things that you are able to move around and then I'm not saying you are going to fall upon deaf ears again. I mean it will come back to us with a recommendation at that particular point and we will have more study and stuff that we can sink our teeth into and pour over, perhaps if we are fortunate for that.

Attorney Prolman I'm sorry one last time, the date for your next meeting.

Chairman O'Brien

Is July 24th.

Attorney Prolman July 24th. Ok. Alright. Well Mr. Chairman, members, thank you. I'm sticking around.

Chairman O'Brien

Thank you Ms. Marchant, thank you. Ok there's a motion to refer the petition to the Planning Board and Table depending on recommendation.

MOTION CARRIED

UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONS

R-19-146

Endorser: Alderman-at-Large Lori Wilshire
Alderman Richard A. Dowd
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Linda Harriott-Gathright
Alderman Tom Lopez
Alderwoman Mary Ann Melizzi-Golja

AUTHORIZING THE GRANTING OF EASEMENTS TO PENNICHUCK WATER WORKS, INC. FOR THE CONSTRUCTION, UTILIZATION AND MAINTENANCE OF WATER LINES

- Also assigned to the Nashua City Planning Board; Favorable Recommendation Issued 6/6/2019

MOTION BY ALDERMAN SCHMIDT TO RECOMMEND FINAL PASSAGE

ON THE QUESTION

Chairman O'Brien

OK there's a motion for final passage and in looking at this, the discussion. Everything seems to be in order with this and there's a recommendation that we may pass it.

Alderman Dowd

I was at the Planning Board Meeting when they approved this. This work is allowing them to be able to shut the tower down at Kessler Farm so they can rebuild a new tower.

They have to be able to supply water to the people that normally get it from that tower so this work is critical to that. They want to do it as quickly as possible. The Planning Board had no problem with it.

MOTION CARRIED

R-19-147

Endorsers: Mayor Jim Donchess
Alderman Tom Lopez

**AUTHORIZING PURCHASE AND SALE OF CITY LAND AT 21 PINE STREET (MAP 77, LOT 17)
AND LAND OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE D/B/A EVERSOURCE ENERGY
AT 3 PINE STREET EXTENSION (MAP 77, LOT 2A)**

- Also assigned to the Nashua City Planning Board and the Mine Falls Park Advisory Committee
- To appear on NCPB's agenda of 6/20/2019

**MOTION BY ALDERMAN SCHMIDT TO TABLE R-19-147 PENDING A RECOMMENDATION FROM THE
NASHUA CITY PLANNING BOARD AND THE MINE FALLS PARK ADVISORY COMMITTEE**

ON THE QUESTION

Chairman O'Brien

Thank you. When the Clerk did say 146, it is 147, you did state that in your motion.

Alderman Schmidt

147.

Chairman O'Brien

So we are good. In discussing with Director Cummings, he stated that this is not a time sensitive issue. He will be able to attend the next meeting to address, once the Planning Board and the Mine Falls Park Advisory Committee has a chance to review it and make a recommendation at that particular time. Again it will be brought up at our next Infrastructure meeting which is July 24th. So taking into Mr. Cummings request where it is not time sensitive, I think Alderman Schmidt's motion is in order. Any further discussion on the motion.

MOTION CARRIED

R-19-148

Endorser: Mayor Jim Donchess

**AMENDING THE AUTHORIZATION FOR THE SALE OF LAND ON BRIDGE STREET AND
SANDERS STREET**

- Also assigned to the Nashua City Planning Board; to appear on its 6/20/2019 agenda

**MOTION BY ALDERMAN SCHMIDT TO TABLE R-19-148 PENDING A RECOMMENDATION FROM THE
NASHUA CITY PLANNING BOARD**

ON THE QUESTION

Chairman O'Brien

Ok again in communication with Director Cummings, this is not a time sensitive matter and he will be able to attend the next meeting of Infrastructure on July 24th and bring us up-to-date on this particular project. So where it is not time-sensitive I think that Alderman Schmidt's motion is in order. Any discussion.

Alderman Jette

Attorney Prolman is here on this as well. He was out of the room when it was introduced.

Chairman O'Brien

Attorney Prolman we did call 148, if you wish to speak, please come forward, thank you.

Attorney Prolman Mr. Chairman and Members of the Committee, thank you again. Andrew Prolman, I'm with Prunier & Prolman of Nashua.

Alderman Jette

Could I just interrupt Mr. Chairman just to tell Attorney Prolman that there's been a motion to table this as well and referring it to the Planning Board and pending their approval with the advice that this is not time sensitive. I just wanted you to know what was said while you were out of the room.

Attorney Prolman Thank you. Well again we were hopeful to make some progress tonight but at least I'll get home early. I'm happy to do a short presentation on what this is all about. Perhaps it waits until I come back in July.

Chairman O'Brien

I will leave it up to you on that decision. The reason we are granting this is Director Cummings actually requested a date change for this particular date. But Director Cummings is, as we all know, a very busy man. So unfortunately he could not make it to this evening's meeting. Like I say he has stated to me as what Alderman Jette had stated, not so much time sensitive and where the Planning Board will review it and make a recommendation, it may be best to discuss it on the 24th to which you can redo your presentation at that particular time. I don't want you to go home saying, "I did nothing tonight" so counselor, it is up to you, whatever you wish to do.

Attorney Prolman Let me just say this, unlike the façade easement which I know is causing some folks in the City some angst, I think this Committee, The Board of Aldermen will appreciate what we are trying to do with this Renaissance and Bridge Street Project. We are trying to add additional apartments, we are trying to make a little of a field, I'll leave it at that. But I will see you folks in a month.

Chairman O'Brien

Well as you leave us, you have no other matters before the Board? Oh excuse me, Alderman Dowd.

Alderman Dowd

I'm not a member of this Committee, but typically we like to have these items go before the Planning Board so if they put any requests, changes or stipulations when it comes back and we approve it, it can go to the Full Board. Otherwise it is going to be bounced back and forth and will just take longer.

Attorney Prolman Fair enough, thank you all again.

Chairman O'Brien

Well Attorney Prolman I don't you to go away; feel that your presence here has been enlightening and we thank you for coming and sharing your time with us. Thank you sir.

Attorney Prolman Have a good night all.

Chairman O'Brien

Goodnight. There is a motion before us to Table R-19-148 pending a recommendation from the Nashua City Planning Board.

MOTION CARRIED

R-19-150

Endorsers: Alderman Patricia Klee
Alderman-at-Large Brandon Michael Laws
Alderwoman Mary Ann Melizzi-Golja

AUTHORIZING THE CITY OF NASHUA TO ENTER INTO A LICENSE AGREEMENT FOR A PARKING AREA OFF ARTILLERY LANE, NASHUA ABUTTING MAP 63 LOT 45

- Also assigned to the Board of Public Works; to appear on its 6/27/2019 agenda

MOTION BY ALDERMAN SCHMIDT TO RECOMMEND INDEFINITE POSTPONEMENT OF R-19-150

ON THE QUESTION

Alderman Klee

May I ask what that means?

Chairman O'Brien

Indefinite postponement is the City's way of saying ITL, inexpedient to legislate.

Alderman Jette

Infinite is much longer than indefinite.

Alderman Schmidt

It's way longer.

Alderman Klee

Yeah as you can see I am the one who put this one forward and the reason for it was the business ...

Chairman O'Brien

Excuse me. I am going to have the Clerk, could you just bear with us?

Alderman Klee

They are not on Artillery.

Chairman O'Brien

24 Merrimack.

Alderman Klee

I think they are on 24 Merrimack, yes.

Chairman O'Brien

And is there any other member of the public Alderman Klee that is here with this particular petition? Could you please come forward? I am going to say that we are joined by you and can you state your name and your address and relationship to this please?

Elizabeth Hartigan My name is Elizabeth Hartigan and I'm Attorney at Gottesman & Hollis and we represent Forcier Construction who has put forth this license.

Chairman O'Brien

Now I think what we'll do is, Alderman Klee, now that we have it up there, please?

Alderman Klee

Thank you. The reason for this petition was while I had some angst about it, I really did because I felt that it was setting up a precedent of something that could be coming down through the City and so on. His business, the way his loading dock is, which you can see through that picture and so on; it made it very awkward for his vehicles to come in and out of. He did clear some of the space there prior and I will be very straight forward and honest, but prior to the City saying going ahead and do it, we came in, we spoke to him about it, I don't know whether or not any fines were levied or anything to that nature. But Director Marchant had come in and taken care of it. What he cleared actually was just brush and actually made the place look a little bit nicer. In discussions with I believe the Attorney and Director Marchant and so on, they decided that to be able to use this property would be OK. The first decision was perhaps a lease. The problem with the lease was it gave a finite amount of time so in other words it was a one year lease, two years lease, six month lease and so on. I believe it was decided to go with a license agreement because a license agreement could be nullified at any point in time. If in fact this was not working and it was not beneficial to the City. It is a very small, small piece of land that you are talking about right to the back of it on Artillery Lane.

So you see where the building is, correct? You see the cars that are parked alongside it, it's right where ... exactly right where your pointer was. That's the small parcel of land that you are speaking of. Keeping going, right there. That piece is all part of the whole thing. That's why we are not giving it to him, we are not leasing it to him, we are going to allow him to use it, I believe that is what the license agreement in fact says. He would be able to use that property for his trucks for loading and unloading. He is not under any circumstances is he getting the property; he's not keeping the property. If for any reason we feel that this is not beneficial in any way, that it is hurting the City, it is creating parking issues, the license agreement can be stopped and nullified at any point in time. So the fact that this goes into indefinite postponement; he has already been using the property in truth, we create an issue.

Chairman O'Brien

Ok is the Alderman aware that there have been other petitions by people on Artillery Lane for licensing and that they have been denied in the past?

Alderman Klee

No and no one has actually come to me, I don't know if that has happened since I've been in. But I have been talking with Director Marchant and so on and I do not know. I am not aware of any of these other license agreements. That's why I say, I had major anxiety about this right from the beginning, because I was afraid it was going to set a precedent. There are a number of people that are looking for it including another person who wants kind of an easement on the City's right of way that goes from Amherst Street to Artillery. But it's a pedestrian walkway, an unpaved pedestrian walkway. So you know I don't want to see the City get into any kind of a bind. But the issue is that Mr. Forcier is using it and we will have to stop him from using it.

And not that we shouldn't if that would be the way that the Board feels then that's the way it should be done. We are affecting his business and his being able to deliver and load his trucks and so on. And that's what the whole thing was for. So I am unaware of the others.

Chairman O'Brien

And not to debate and not to be unkind, but if we do look at previous, we see this as untouched. Now is that condition that the facility is in right now?

Alderman Klee

Right now it is about as clear as you see it now. Prior to him clearing it, there were briars and just brush in general that he cleaned out and cleared including, I believe there were construction items and so on there. And when I say that I mean more like cement and concrete and glass, I guess there had been lots of glass there too, he cleaned all of that up.

Chairman O'Brien

I used to be very good at this when I was on the Fire Department. I am looking for our most current shooting.

Alderman Klee

Ok so go down to the bottom, where the map is, where that little arrow is. That's 2015; 2017 would be the most current. That's the one you are looking at. I think you can go all the way back to 2013.

Chairman O'Brien

There is one but we may not have access to it. In other words I went to the property today as part of my homework to look at this.

Alderman Klee

So you saw.

Chairman O'Brien

It wasn't hot topped, but it was definitely worked on. There was construction of a retaining wall, there was put down hard pack stone that is there. There is part of a receptacle that looked like part of a dump truck, there was about 4 trucks parked there at that particular moment in time when I was there. And all of this was done without a permit.

Alderman Klee

Absolutely and I agree.

Chairman O'Brien

Attorney, do you have any explanation as to why no requests of a permit were brought to the Board or the Building Department?

Attorney Hartigan Honestly no I don't. That was sort of before we came into the picture.

Alderman Klee

And I agree and that is what started this whole ball rolling is that Mr. Forcier took it upon himself to do all these things. At the very beginning I was adamant that basically because of that action that this would not be. After speaking and I am sorry that Director Marchant is gone, but after speaking to Director Marchant and many discussions; Attorney I don't know if you were in on those discussions with Director Marchant and so on.

Attorney Hartigan Actually Attorney Morgan Hollis is actually – I work underneath him. He has sort of been the lead on this, he's talked with Director Marchant a lot. He's been in touch with legal, legal is actually the one that drafted most of this document. Everybody is in agreement that this is the document we should go forward with. So he's sort of been the lead on that but the City seems to be in agreement that this is the proper use of the property and that is has been cleared now and it does look better than it was. It was a significant clean-up from what it was.

Chairman O'Brien

And I want you to know that I don't want to put anybody in the penalty box for the cleanup, you know? That's another matter; but I think everybody should know that any type of construction or anything else like that, including parking lots and other different things, we do have municipal procedures in place. That is getting the permits; and when you get the proper permits it goes before other Boards. You petition those other Boards and then it cuts a lot of chase, that we are chasing our tail with right now.

Attorney Hartigan I will say that this Lease is conditional upon getting all approvals.

Chairman O'Brien

But with my diatribe I didn't want to, yes Alderman Klee?

Alderman Klee

No and I agree with you and I would have no problems if you wanted, if you would be inclined to table this and that we ask Mr. Forcier to consider moving all of his items and so on and working on to find out whether or not we can do that. But I also understand if the Board feels that this is setting up a precedent I also understand that if you as a Board feel that this is just a little too late, I can also understand that. And I respect your opinion as to however you want to handle this situation.

Alderman Dowd

I was just going to say that this is also assigned to the Board of Public Works and it appears on their meeting on 6/27.

Alderman Klee

Which is why I thought it would be tabled.

Alderman Dowd

So they probably will come back and say "no" but perhaps it would be better to table it until we get that ruling as in other items that go to other committees, other departments; we wait for their input to come back and then make a decision. I understand that all the ducks are in a row to say "no" because several other places have asked for this before and they've all been told "no".

Chairman O'Brien

Alright so a motion to table would have to come from one of the committee meetings and I know it's a non-debatable motion but where it's not from a Committee member.

Alderman Dowd

That wasn't a motion that was just a suggestion.

Chairman O'Brien

A suggestion, and I agree a motion to table probably and let the Public Works look at that at that particular time. But allow me to sweeten the pot. Let's look at the gist of this. We have a private business that wants to expand. Whether he's in the right location or not, I'm not his business. But he is petitioning free parking on the City, ok – with what? We are not getting any permit fee, we are not getting anything. What he intends to do, and it was kind of brazen like I say, I don't want to throw him in the penalty box, I mean he did do a lot of work that is clean and I understand that and I compliment that. It does look nice; but however, in looking at it, maybe there might be a better way to come up with this. You know, maybe to sweeten the pot, try to get a permit to lease the spot or something. But then again, understand can you bring up and just go up a little bit, head north. Click and drag, yeah drag it again, please, alright bring it over here up just a little bit, no the other way, the other up. Looking at it, the City just for clarification, the City in order to increase parking for fun things such as the ball games and stuff like that, did try to get a little off and so what they did is the City took some its own land and that's what that is.

Alderman Klee

All the way down and around yes.

Chairman O'Brien

I'm not sure if Mr. Forcier is he has trucks there over the weekend and that's the busiest time for the park is that the best betterment of the City?

Alderman Klee

I just want to add one thing. The difference here is, while this is City property that abuts him, currently there is no parking on that side of the street. So he is not taking any recreation parking. He is just taking that piece of land that is closest to his building, he is still going to leave some green, there is still going to be no parking on that side, if that be the way the Planning Board wants to go and so on. So he's taking the piece that kind of abuts his land and he is going to create parking. There will be no pavement, because of run off and so on in the park. So just to clarify that, he is not taking any recreation parking away that exist. Now if the City had decided that they wanted to pave that part or clear parking, that would be the City's decision to make. But I don't believe they would be able to do parking without using his property. So that's part of it.

Alderman Jette

So I am uncomfortable, I feel like I don't have enough information. I am uncomfortable postponing it indefinitely. I feel like there's, we ought to have somebody from the City, I don't know Director Marchant or someone else from the City that could kind of speak to the issues you've raised. Also, I know that there is a lease that was prepared by our legal department.

Alderman Klee

A license.

Alderman Jette

A license prepared by our Legal Department, so that kind of sounds like it is legal. But I am wondering if isn't this a type of subdivision, shouldn't this be going before the Planning Board or the Zoning Board? It seems like there are a lot of "ifs" here that I feel uncomfortable approving it and I feel uncomfortable killing it. So I would move to ...

Chairman O'Brien

You've got to make a decision.

Alderman Jette

No I don't have to make a decision because I can move to table it until we get more information.

Chairman O'Brien

Yeah I think others would like to have other further discussion. But I think a motion to table would be in order. So if the gentleman wants to hold on the motion to table?

Alderman Jette

I don't mean to cut off debate.

Chairman O'Brien

Would give everybody their due time to discuss this. Thank you Alderman Jette.

Alderman Dowd

It's been awhile since I've been on that street but if there's no parking on that side of the street all the way down this flies in the face of that no parking because it will basically be parking. The way I see it, it's going to be access from that side of the building onto that street and there is other access because there is no parking on that side. I can't tell if there are other driveways. The other thing is that the street department is the one that has control over streets and that's why it went to the BPW, Board of Public Works. There are no other letters in the file pro or con so to your point, we should have more data. But in my years of experience if I had to guess, it is going to be denied.

Alderman Klee

Again if that's the will of the Board I completely understand. But let me just explain one other thing. They only way they will be coming off into that parking space is from their current driveway. They will not be bringing this all the way to the edge of the street. There will still be some greenery, I believe that was part of his agreement is that he would plant some kind of shrubs and so on along that way, up against that no parking zone.

So he will just have from his building enough width and so on to bring his trucks into it. It will not go to the edge of the street. So if the City, and his agreement is, that he would beautify, he would put in shrubs and so on. But again, I still, if the Board is to kill this or do what they want to, I completely understand.

Chairman O'Brien

And if I may just add my last 2 cents; we are talking about a municipal park, Artillery Lane is part of the park.

Alderman Klee

Yes, with one address on it.

Chairman O'Brien

So this is commercial trucks in a park. I know we have the piped in railing, so delaying it, I mean admittedly we need to pour over this and really look at it upside down, inside out and everything else like that. I would, again, agree with Alderman Jette, I would take greater comfort with that. We can go with that at the time.

Alderman Klee

In complete agreeance of commercial vehicles coming into this park; there are I believe 1 or 2 addresses that are actually on Artillery. The other ones are as you saw, his was Merrimack, the other are Amherst Street and so on. These trucks will still continue to go in because he has that driveway. And he will still have trucks, he may have maybe 1, 2 more at most. But he will still have these commercial vehicles coming into Artillery Lane at that point. And the truth be told, as I said, I believe there are only 2 addresses on Artillery. The rest are Amherst, Merrimack, etc. But it is a park/recreation so again I believe the Board would do the right thing. So whatever the Board does, I will support.

Alderman Schmidt

You just said that he still has to drive in to Artillery Lane, why?

Alderman Klee

Mm-hmm. You see that driveway that is alongside his building?

Alderman Schmidt

Aha.

Alderman Klee

That's where he parks his trucks and so on. He still is parking his trucks. He has landscaping trucks. They are not very large. If you brought it to the parcel portion of it, right there, exactly – that's where his driveway is. He has a current driveway there.

Alderman Schmidt

But it's not accessed from any other place but Artillery Lane?

Alderman Klee

No you can't I don't believe you can access it from Merrimack, I believe you have to access it from Artillery. And he usually comes in by – when I've seen him come in, I've seen him come in through the Hollman area. I've not seen him come in from Sergeant. But he may. So you can see, that's where his driveway is right there. He has not access to it from anything except Artillery. And his warehouse, the reason why he wants this is that's where – you see the black square is there that your pointer is on right now, yes.

That is kind of where his warehouse and a lot of his stuff come out. And he has a little bit of a loading dock just past that into the white area. And I think, Alderman O'Brien, you probably saw that when you were there. So the little bit of green that you can see there is where he is going to be doing the planting. Right there, that little strip of green there in through there. That's where he would be doing planting along the length of that.

Chairman O'Brien

Can I show you some points, ok keep that highlighted, let's look up towards the north. Just click and drag. We see fencing and other different things. There's a big issue over there as well. Now granted what we see here, let me give you the usual caveats, it's not 100%, it might be five feet, ten feet, inches, but it is pretty much where the lines are. Any other further discussion.

Alderman Klee

I've said my piece thank you.

Chairman O'Brien

Ok seeing none, if Alderman Jette makes the motion to table, the motion to table is a motion of higher priority and supersedes Alderman Schmidt's motion. So the Chair recognizes Alderman Jette.

**MOTION BY ALDERMAN TO TABLE R-19-050 UNTIL REVIEW BY BOARD OF PUBLIC WORKS
MOTION CARRIED**

TABLED IN COMMITTEE

O-19-036

Endorsers: Alderman Tom Lopez
Alderman Mary Ann Melizzi-Golja
Alderman-at-Large Shoshanna Kelly
Alderman Patricia Klee

DESIGNATING AN ADDITIONAL SECTION OF BOWERS STREET ONE-WAY EASTERLY

- Tabled 2/27/2019

GENERAL DISCUSSION - None

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN

Alderman Klee

Thank you very much I appreciate the tabling and Alderman Jette I appreciate you bringing that motion forward to at least give the Board of Public Works; and because it is a recreation area I think that they really should be involved in any kind of decision making. I do have one quick question, this will not go to the Planning Board under any circumstances? Just Public works, is that correct, from what I'm reading here.

Chairman O'Brien

Right it is slated from what I see to appear at Public Works, it may get assigned I don't know from this point. I will follow up.

Alderman Klee

And whatever decision either Boards make I completely understand, thank you.

POSSIBLE NON-PUBLIC SESSION - None

ADJOURNMENT

**MOTION BY ALDERMAN JETTE TO ADJOURN
MOTION CARRIED**

The meeting was declared closed at 8:24 p.m.

Alderman Jan Schmidt
Committee Clerk