

I'd like to get this body's approval so we can re-submit it to the Department of Transportation so we have confidence that this is, if you will, the preferred alternative for us. And then we can proceed further along in the transportation improvement process which will be final design and then ultimately construction. So with that being said, I will turn it over to Brian who can speak to the details.

Brian Colburn Thanks Tim. Just for the record, my name is Brian Colburn, I work for McFarland Johnson and as Tim said we are the engineering consulting firm working on the project for the City. Just a brief agenda, kind of summarize what Tim said; go over this revised alternative. We will outline the steps moving forward and then I have a spot here for questions and answers at the end but feel free to ask questions as we come along.

So just to refresh your memories, again, we were back here a year ago but the project limits are really the intersection of Bridge Street and East Hollis Street off the town line back to about C Street. The figure on the screen there, it's highlighted with a red dash line around it. That was our limits of study. Our project goals here were to address all modes of transportation, not just moving cars, but also moving people, moving bicycles, you know, recognizing it is part of a neighborhood as well, not just a regional traffic issue here.

Maintain Current Traffic Capacity: Making sure whatever we do here we are not causing additional backups. We were building on some previous studies that were done a few years ago. One of those studies had concluded a roundabout as the preferred alternative. So one of our initial steps was to review that and we found that was not going to work at this location. Just a refresher, the project is funded through a Grant from NH DOT. They have a process for developing projects; we are in Step 1 which is the Engineering Study Phase. This is where we select the preferred alternative. Once this is approved, we go into Preliminary Design, really nail down the impacts of the project and then from there we move to final design and then construction. So we are in the initial step here.

Just a recap of the project timeline, as Tim mentioned, we spent most of 2018 developing our 3 alternatives, we had several public meetings, about half a dozen meetings or so with the Steering Committee that culminated in August where they recommended Alternative 3. I'll show you all the alternatives we looked at coming up. We were in front of this Committee late October and the Board of Public Works both of which endorsed the preferred alternative at the time. We submitted our report to NH DOT at the end of November; we got their comments back early of this year. It took a while, some of those comments weren't as clear I guess as we had hoped so we needed to schedule a meeting and that took a couple months to get on the books. So we had a good understanding of what their concerns were in early May. As Tim mentioned, one concern was they wanted us to look at the traffic operations in a separate way from the way we had done it. So that took us to the middle part of this year and ultimately found that, yeah it wasn't working as well as we had thought, this alternative 3. So we looked at some alterations to the alternative and also looked at a new alternative. We presented that new alternative to the Steering Committee in the middle of the month. As Tim said they have endorsed it and now we are back here.

So the Steering Members from the City perspective, we have an Alderman Representative, we a fair amount of City Staff, we also have Peter Schaefer who is a resident of the area, we have a property manager for SMC Management, that's Riverfront Landing, the development just to the north and adjacent to the intersection. We also had a representative from the town of Hudson who was a great addition to the Steering Committee because he actually lives in Riverfront Landing as well. So he wore two hats at the meeting which was good.

Director Cummings

He knows the area well.

Mr. Colburn He knows it very well. So again this was the Alternative 1 which we refer to as the X; more or less what the traffic configuration is there today. It obviously moves traffic very similar to the way you see it today but doesn't do a lot for improving access to Riverfront Landing which is to the north, to the top of the page and doesn't do anything for possible connection to the Crown Street area which would be south or down on the

bottom of the page. So this wasn't really looked favorably upon for all the other goals that the project was trying to achieve.

Alternative 2 was what we considered an O. It was somewhat of a take on the roundabout concept but we were having to put signals at each of the legs to control the flow of traffic and adjust to how the peak demand on each leg changes throughout the day. People at public meetings expressed concerns about how confusing this might be just having to go around and around. Some of the traffic simulations that we had for this actually showed it lock if too much traffic got in. So if one of the queues, say from Hudson, their signal wasn't operating great and the traffic back up over the bridge, that queue gets into this O and it can actually cause traffic to stop in all directions. It had a fair amount of green space to it, but the green space, a lot of it was located in the center of that O.

Alternative 3 is the one we referred to as the H. Just two signals, intersections got fairly wide, some of them 5 lanes in width. You can see here the opportunity for a future street to the Crown Street area to the south was going to be pretty easy to accommodate that would go into, just right into the signal on the bottom part of the page. At our initial analysis it showed that this pretty much was operating similar to what was existed today. When we ran the new analysis, especially in the morning peaks, it did show the queue, the back of traffic extending into Hudson into their signal complex, which would cause that whole area to operate a lot worse than it does today.

So our first step was we looked at you know what changes could we make to this to get it to operate better. This option had a dedicated left turn lane into the driveway at Riverfront Landing. So anybody coming along Bridge Street wanting to make that left would go up to the new signal and would have their own dedicated green time to get in there. This allows us to get rid of the temporary signal at D Street and allows Riverfront Landing to no longer require their temporary easement across the property just to their west. Unfortunately we found to get this to work, we needed to take that dedicated left turn lane into Riverfront Landing away. So people on Bridge Street who want to get to Riverfront Landing would have to make a left across from D Street and continue to use that temporary easement. Obviously the owners of Riverfront Landing weren't real pleased with this so they expressed some concerns. We went back to work and started brainstorming again about maybe something different that we could do and we came up with Alternative 4. I haven't really come up with a good name for this shape or design yet, Ghostbusters has been thrown out there; I will go through it in a bit how this operates and where traffic goes. But it basically, if you are coming from Hudson across the Bridge and you want to go to East Hollis Street, you are going to cur across the center of the circle.

Another thing that we are investigating now, you will see it in the purple line, is a path from this intersection down to the path that exists on the levy and improving the path that goes under the bridge right now; it's fairly large rock and not that easy to navigate under there. So I actually have a meeting scheduled with the Army Corps of Engineers next week. They are going to be up inspecting the levy anyway so we are going to grab a couple minutes of their time and talk through some ideas and the process for potentially including them as part of the project.

Director Cummings

So if I may on this particular point, when we were meeting with the Steering Committee a few weeks back, the resident, Peter Schaefer, expressed a strong sentiment that he really wants to see some sort of connectivity to the Merrimack Riverfront. He believes it is long overdue for the neighborhood. So we told them that we would do the best that we could and make a good faith effort to try to bring that amenity into this project.

Mr. Colburn I don't know if you can see my mouse, so these dash lines here are where a potential future Crown Street connection would come into the intersection as well. So just to prove that we didn't come up with this idea out of the blue, this is actually an intersection in Revere, Massachusetts I believe. So again you can see, kind of has that circular motion for some of the movements that are signal-controlled but does take, in this case two of the through movements and brings them straight through the center of the circle.

So I know looking at this plan it can be somewhat confusing about how you get through it, so we have created some slides that show some of the movements. So again the red line is how you would go from Hudson onto East Hollis Street, the blue line is East Hollis into Hudson, the red line is Hudson onto Bridge Street, you know, very similar movement to today and the blue line is from Bridge Street heading into Hudson. The first intersection, this is just a yield condition, so there would just be yield signs her, so the only traffic light they will have to stop at is this one light here. That's why, it's one of the reasons that this option performs a lot better in terms of traffic is we were able to get most of the movements to only have to go through one signal; as opposed to the H where some of the major movements were having to go through two signals as part of the project.

So just to go back, you know, this is the only major movement that is going to need to go through two traffic signals and those two traffic signals would be coordinated such that that movement is pretty free flowing when it is green time. One of the concerns from the previous one was how to make that turn from Bridge Street into Riverfront Landing. So this is how that movement is, you kind of go around, you will have to be cognizant of the signing to make sure this is clear for drivers. But the representative from Hudson, the planner, took one look at this and said he was not concerned with how clear this would be. Again, this allows us to get rid of the temporary signal at D Street and there will no longer need to be this temporary accessway across that property.

Alderman Dowd

I just have a question; what is that for?

Mr. Colburn This movement?

Alderman Dowd

No right there.

Mr. Colburn So that movement is for people from Riverfront Landing to slip over here and either head into the City on East Hollis Street or out to Hudson, so that would be how you get out of Riverfront Landing. It is also there for this movement which I should point out these movements right now are not possible. This movement is also not possible. So for people coming from Hudson wanting to get onto Crown Street would use this lane here as well and then you can imagine that if a future Crown Street connection is installed, that's how people from Bridge Street would get to that connection as well as people from Hudson.

Alderman Gidge

Yes when you are finished, could you just go back to 3, I'd just like to look at something when you are finished.

Mr. Colburn It's easy enough to go back now if you want to do it now. OK. So observations we have made, the traffic analysis both ways that we have analyzed it, the old way and the new way, show that this is going to operate with similar stacking of traffic to what you see today. The one exception is if you are coming out of the City on East Hollis Street heading into Hudson, that movement right now has no traffic signal. So that queue is dictated by really the back up of traffic trying to get into Hudson. So that queue extends I think back to Allds Street, under this alternative. But all of the other legs operate the same way that they do today. It is a proven layout, so you know we've seen other examples in Massachusetts that are working. This actually does have shorter cross walk lengths than alternative 3 that we had. Some of those were going to have to cross 4 to 5 lanes of traffic at a time. I think we have that crosses two lanes here as our maximum.

Some of the cons are a little bit more delay for some of the vehicles; the ones that don't have any stop sign or red light now are going to see a little bit more delay. That is a result of adding access to Riverfront Landing a future Crown Street connection. We can't, there really is no way to add access and not have to stop those people. When you stop them they are going to see a little bit more delay. The other con is that there is a fair amount of green space proposed under this option. You can see a majority of it is isolated in the middle.

So some of the ideas that were tossed around before about community gardens and some other aspects are probably not desirable in the center there. So we see this interior green space as more of an opportunity to create landscape and a gateway into Nashua, a welcoming, you know, aesthetically pleasing gateway. We are showing our plan to put a pretty robust buffer along this green space for E Street to help that green space more feel like part of the neighborhood and less of a part of the intersection. But as Tim mentioned, our neighborhood representative did stress that he didn't see that the neighborhood was getting a lot out of this project now. So that's why they were hoping for this connection to the path along the levy.

So just moving forward we are presenting tonight here and tomorrow night at the Board of Public Works. Once we get consensus that we are moving in the right direction, we will resubmit our report to NH DOT early next month and hoping to get the go ahead to move into preliminary design potentially late 2019 but realistically you are looking at early 2020.

So I know that was relatively quick. We can take any questions you have.

Alderman Dowd

I have just a couple quick questions. One is have you taken into account that if we were wildly successful with the railroad crossing and that back up that you talked about?

Mr. Colburn The railroad crossing in the back, that's not ...

Alderman Dowd

You said that the East Hollis might be backed up to Allds Street. If you go all the way to Allds Street there are railroad tracks.

Mr. Colburn So it does not back up to the railroad tracks.

Alderman Dowd

Ok the other thing is that I have been told by a number of people in Hudson that no matter what we do here, if they don't do something on the other side of the bridge it's not going to help that part of the traffic at all. So is any effort been made to see if Hudson can do anything with their traffic?

Mr. Colburn So I do know the town has put in a smarter traffic light system. From what I understand that has made things a little bit better. So to make things considerably better in Hudson they need a major project to do that or for an opportunity for traffic to have another way to cross the river. There is a meeting going on upstairs that I'm sure that concern is being voiced, the 10-year plan. So getting back to this, kind of the parameters we set on ourselves getting into this project. There are things we can solve as part of this project and there are things we cannot. Unfortunately that issue is beyond the scope of this project.

Alderman Jette

So after this is completed, will the crossing times over the bridge one way or the other be improved or not?

Mr. Colburn No we are projecting to be the same as they are now.

Alderman Jette

So what is the purpose of this if it is just going to be the same as it is now what is the benefit of doing this?

Mr. Colburn Alright so I actually brought some slides from our previous meeting. So this was our Purpose Statement here. These were the 5 things we were aiming to do as part of this project. So again, Improve Mobility – so the new layout makes it easier for pedestrians to get from say the north side of the intersection to the

southside, particularly one concern that was raised in the public meeting was people trying to get to the Robert Crisp School to the South. Improved Access – that was mainly for Riverfront Landing but the side benefit to that is right now D Street sees a lot of traffic because a lot of people use that to get into Riverfront Landing. So the project will alleviate that need. Facilitate Land Use – is really associated with the Crown Street area. There's not a lot of opportunity to improve the signals at Arlington or Allds to get access to that area, to the train station potentially. There is land that could be revitalized. Our model took those potentials into account and we looked at that growth of traffic. So the proposed project kind of gets it set it up where there is a place for that traffic to go. Again not adversely affect current operations. And then Providing an Aesthetically Pleasing Gateway; you know right now it is definitely car-centric out there, it is fairly wide open. We plan to add some street trees and one idea that was tossed out is providing space for some of the public art that is generated every year as part of the Arts Festival, a place to display that either permanently or on a rotational basis to you know, say "Welcome to Nashua, it's great here". So those are the goals of the project.

Alderman Jette

So if you could go back to the slide that shows the picture. How will people get to E Street?

Mr. Colburn So similar to today, E Street is one way to the south so we are not precluding a left here, I mean they could stop in this lane and wait to get across if they are coming from Hudson. If they are coming from East Hollis Street, I'm assuming they are using either C or D Street to get across so that would be maintained. Then if they are on Bridge Street they are making a right similar to what they do today.

Alderman Jette

Ok so coming from Hudson they would be able to make a left turn on to East Street?

Mr. Colburn Yes.

Alderman Jette

OK if there's a lot of traffic they'd have to depend on the good graces of people that are coming the opposite way right to let them through?

Mr. Colburn From what we heard at the public meetings, I think that's how they get in today. You know there's a traffic light in the center here that during peak hours backs up Bridge Street quite a bit so if they are wanting to make that left.

Alderman Jette

Ok so there are several new housing proposals. The Old John Mansville lot there off of Bridge Street. And then on Temple Street there's a couple hundred and then the Henry Hanger Building. Were you able to take that into consideration; this is all brand new stuff, but were you able to take that into consideration?

Mr. Colburn So we did our traffic projections about a year and a half ago. When we did them we did work with the City and the Regional Planning Commission to capture what we knew about at the time. But in addition to some of those spot developments, we assume traffic was going to grow about 1% a year through our analysis period. So we are analyzing traffic that's about 15% higher than what it is today to account for that level of growth.

Alderman Jette

Did you give any consideration, I know that your parameters are from C Street I think forward. Did you give any consideration to instead of moving the traffic in all these different directions in this area, the idea of making for example the idea of crossing the traffic further west so like in the Amory/Temple Street area. So that that way there is not so much crossing traffic in this concentrated area which would allow more development of this area

for recreational purposes. So I don't know, for example, if Bridge Street was one way going west and then you would cross over to East Hollis Street by going Amory Street to Temple Street, you are kind of making a larger crossing pattern. Were you able to give that any thought or was that just beyond your scope?

Mr. Colburn So we didn't look at it but I believe one of the previous studies had looked at it. So there was an overall East Hollis Gateway Study that was done and then there was a subsequent traffic study that looked right at this intersection. I believe a one way larger loop was looked at and was not looked upon favorably at that time. So we didn't spend any time looking at that as part of our project. I will say based on observations I've seen in looking at this, the traffic wants to cross somewhere and we barely had enough room here to accommodate it. I'm not sure if there is another area further into the City where you'd want to dedicate that much right of way or property to putting that size of an intersection in.

Alderman Jette

I'm picturing Temple Street from Amory over to East Hollis. It looks like a lot of vacant land there.

Director Cummings

That's privately owned.

Alderman Jette

It is right now but it could become publicly owned, parts of it.

Director Cummings

Yeah and I agree it is under-utilized land but some of the goals that we were trying to achieve with the design; 1) in this current design here we are doing as much as we can to stay in the existing right of way of the City. So to minimize any type of permanent takings, there may be some temporary easements necessary for construction and what not. But we are working very hard to try to maintain the current right of way. That's one charge. Another charge is the design that you are seeing is within the \$3.6 million dollars that has been set aside. As of right now, 100% of this project is being funded by the State of NH. If it goes above that \$3.6 I can't represent to you that they would pick up the differential cost, and that means then the City of Nashua would have to pay for it. So there are additional elements as well that have drove some of the thought process as to how we arrived at this conclusion.

Chairman O'Brien

All set Alderman Jette.

Alderman Jette

OK. Yes.

Chairman O'Brien

I too have a question, oh go ahead Alderman Gidge.

Alderman Gidge

Could you please go back to Alternative 3 just for a moment please? OK I take it you have ruled that out, is that correct?

Mr. Colburn Yes this is the alternative where especially in the morning the queue that this light would cause for traffic coming out of Hudson would back up into the signals in Hudson, quite a bit farther than it does today.

Alderman Gidge

OK thank you very much.

Chairman O'Brien

Ok I do have a question, if we can go back, maybe Mr. Cummings knows. But looking at the E Street and that buffer that is there; one of my concerns in this neighborhood is lack of the green space and different things. I know this project comes with a fixed cost with the State and everything. I wonder if we can get some money appropriated on that E Street buffer, is it big enough for a kiddie park?

Mr. Colburn I don't know, I think it's a quarter to a half an acre. We can certainly look at it. We have asked the question.

Chairman O'Brien

If I may to help you out, what I define as a kiddie park is the jet setting stroller set, you know what I mean. Mothers can come down and get access and all the kids would be on some swings and stuff like that. But then again I am concerned looking at the width of those roads and concerned access for safety of people getting to it too.

Director Cummings

I think we could if we kept expectations really low, be able to provide some sort of recreational amenity on that, I've seen it done in other urban settings so I think it could be done if that was the pleasure of the City to do that. We wouldn't be able to provide parking; you'd be using on-street parking on E Street. What's not represented right now in the image before you is some of that land is taken up by a Pennichuck water pump. We know that we can move that at some point in time. So there might be a little bit more space there than what we currently are thinking of. So could we put a small jungle gym, swing set, you know something of an amenity right there in the buffer? It is definitely something we could look at in addition to trying to create some sort of river access.

Chairman O'Brien

Right and if I may and I'll recognize Alderman Schmidt in a second, but looking at E Street now I do see those, if my glasses are correct, those are cars already parked there. And I see maybe 1, 2, 3, 4, 5, 6 vehicles already there that really don't seem to be interfering. I imagine that they are tied up with the screen printing place. I don't see it heavily being used but at least it is there, because in my opinion the neighborhood is blighted for some amenities as far as a park.

Director Cummings

It would be a nice amenity for the neighborhood.

Chairman O'Brien

And it could also enhance the welcoming design that we kind of are looking for.

Alderman Schmidt

Pedestrians, bicyclists, access to the river, there does seem to be a little space down there between the two bridge entrances that is lower than the roadway, is this right?

Mr. Colburn Yes.

Alderman Schmidt

It slopes down quite a bit, would that be an appropriate place for a kiddie playground?

Director Cummings

Are you talking the area by the pump station down here?

Alderman Schmidt

Yes.

Mr. Colburn So it does grade pretty quickly down into that spot. The representative from Public Works has expressed that they don't necessarily want to attract people to that area around their equipment. I think it is tough to see down in the hole just to keep tabs on people. So I think we had some concepts early on about you could do something in there but right now we are not showing anything as part of this project.

Chairman O'Brien

Right and if I may help out Alderman Schmidt, that is an interceptor that is direct communication right down to the sewage treatment plant. So you don't want to be anywhere near that. I could see Public Works being guarded as far as both security and any potential problems in that area. I can see that and respect that. Further questions by the Board? Seeing none? Any concluding statements or anything?

Director Cummings

I just would like to make sure that we can represent that this is a preferred alternative to the State when the time comes.

Chairman O'Brien

Right and if I may, you seem to have taken like I say I compare everything we do here on Infrastructure as pieces of the puzzle. We have looked at the other piece of the puzzle that is out there, the commuter rail that may come down with the potential for the station. Your dotted line seemed to be adequate enough for traffic flow to get into that and to get the commuters probably what twice a day that we may be initially looking at, the morning and the evening commute to get them safely out of there. Very good. I thank you sir for your presentation, very informative, thank you.

Alderman Jette

So you asked whether you could represent whether this is the preferred alternative of the Committee? I don't know if it is my preferred alternative. I guess I accept what the recommendation is.

Director Cummings

I can assure you it is not my preferred alternative. I would have liked to have seen it dug underground but we have constraints that we all have to live with, so this is what we've got.

Chairman O'Brien

We will see if we can build you the Callahan Tunnel.

Director Cummings

That's what I'm talking about, I kept saying it. I kept saying it during the meetings let's go underground, they all thought I was crazy. It would be a mini-Nashua Big Dig. I'm just kidding.

Chairman O'Brien

Did you ever notice that they say that's why the blue is above in the tunnel, it tells you when you are under the water. Ok enough of that. Thank you. And again, thank you for your presentation.

COMMUNICATIONS

Chairman O'Brien

Communications, I am going to step in here because I know the Clerk and showing on our sheet here that there is none, but we did receive 3 communications after the agenda has been printed.

There being no objection, Chairman O'Brien suspended the rules to allow for the introduction of communications received after the agenda was prepared

From: Tim Cummings, Director of Economic Development
Re: 452 Amherst Street – Release of Façade Easement

From: Linda McGhee, Deputy Planning Manager
Re: Referral from the Committee on Infrastructure – Petition to Release Façade Easement

From: Historic District Commission
Re: 452 Amherst Street, Country Tavern

I think everybody in the Committee should have at least a copy of these 3 documents? Ok, so without objection I accept them and place them on file.

There being no objection, Chairman O'Brien accepted the communications and placed them on file.

UNFINISHED BUSINESS - None

NEW BUSINESS – RESOLUTIONS - None

NEW BUSINESS – ORDINANCES - None

TABLED IN COMMITTEE

**MOTION BY ALDERMAN SCHMIDT TO TAKE FROM THE TABLE THE PETITION TO RELEASE FAÇADE EASEMENT
MOTION CARRIED**

Petition to Release Façade Easement

- Referred to NCPB; Continued to its 8/8/2019 mtg

Chairman O'Brien

This was referred to the Planning Board in August and we did get their reply in the correspondence.

MOTION BY ALDERMAN SCHMIDT TO RECOMMEND FINAL PASSAGE

ON THE QUESTIONChairman O'Brien

The motion is for final passage, we are open for discussion on the motion. Mr. Prolman if you want to come forward. Mr. Cummings if you want to join us in the portion as well too, please. Thank you gentlemen.

Andy Prolman, Prunier Prolman Attorney Thank you very much Mr. Chairman, members of the Committee, good evening. My name is Andy Prolman and I am an attorney in Nashua with Prunier & Prolman, representing Alan ARLK Properties LLC. Just to give the Board a brief recap of what we are doing here and what we've done since we first met with you some months ago. Alla Maak Properties owns 452 Amherst Street, site of the Country Tavern. Alla Maak Properties has decided to try and sell the property most likely to some type of retail or commercial development. They are constricted and restrained with the respect to their sale because there is a façade easement granted to the City of Nashua back in 1982. The purpose of the façade easement is to maintain the look of the existing building that is there today. The façade easement came about because when the property was converted from a house to a restaurant, the Zoning Board had a condition that to maintain the look of the building, not so much for historic purposes but just because at that time it was thought to maintain the look of the building that is there today.

Fast forward to 2019, I think we would all agree that Amherst Street is a very different beast than it was in 1982. The owners have decided that it has come to stop being restaurateurs and maintain this older building and sell the building. But because of the façade easement no one is really interested in buying the building because of the nature of the type of business that is likely to go in there. So I filed a petition to release the façade easement, the petition working with Attorney Leonard it was drafted and submitted to the Clerk which went to the Board of Aldermen, referred to you folks, the Planning Board. The Planning Board also as a courtesy sent it off to the Historic District Commission even though it was out of their District, they wanted their input as well.

Since that initial filing and referrals out we've done a lot of homework, we've done a lot of work on this project and we have developed an agreement with the Mayor's Office that both Tim and I can speak to. But before that, just some of the research that we have submitted to the City; there are really 3 pieces of the puzzle. One is on two occasions over the past 20 or 30 years, the NH Division of Historic Resources has taken a look at this property and on both occasions have said this site is not eligible for the Federal Register of Historic Buildings. And they did so because of the condition of the building, the changes that have been made to the building over the years and twice the State has said it doesn't qualify for any historic preservation.

Secondly, we hired Lisa Mausolf; Lisa Mausolf is a Historical Consultant who has been used by the City of Nashua on a number of times. She did a full study of the property, looked at its history and her conclusion was the property has little to no historic value. It was built in the early 1800's, but today given the condition of the building, that's about the only historic nature of it is that it is just old, it's not particularly special. It's not like any of the buildings we see in the north end, any of the homes. So her conclusion supported or coincides with the State's conclusion that the property is not worth preservation.

With that, we sat down with Sarah Marchant, Tim Cummings, the Mayor's Office, Attorney Leonard, and we have crafted an agreement and you see Tim's Memo to the Planning Board that outlines some of the terms of the agreement. It was negotiation back and forth between the parties and so the City wanted to have certain salvage rights to the property and so we have crafted an agreement that there would be salvage rights to the City. We are going to try to preserve some of the mature trees; I can't guarantee but we are going to make an effort with whatever buyer comes along to maybe even just in the set back areas on the outside of the property, there are some nice old trees on the property.

There is a significant contribution to be made to the City with this project in exchange for that, should the Board of Aldermen approve our petition, the City will release the façade easement.

We have positive recommendations from the Planning Board, I was with the Historic District Commission on Monday night and we have a positive recommendation from the Historic District Commission. You can see the requests coming from Tim Cummings for your support as well. With that, Mr. Chairman, I can answer any questions the Board may have.

Chairman O'Brien

Any questions by the Committee?

Alderman Jette

So I don't want to be in a position of second guessing what the other committees like the Historic District Commission have looked at this and have said that they don't object to it and that they favor as has the Planning Board. So I don't want to second guess what they've done. But I am curious in Director Cummings' memo to the Planning Board he states or talks about Lisa Mausolf report explaining why the property has little to no historic value. Can either one of you kind of explain what she said, you know why it has no historic value?

Chairman O'Brien

Well Alderman Jette if I may at this time I was going to allow Mr. Cummings to give his presentation. Mr. Cummings could you answer his question at that time with your presentation so we can listen to further dialogue on this matter with your permission?

Alderman Jette

Sure, absolutely.

Director Cummings

Thank you, Mr. Chairman, again Tim Cummings for the record, Director of Economic Development. So I was brought into this conversation a few weeks back and I was brought into the conversation under auspices of Economic Development. What do I mean by that? Oftentimes Nashua sometimes get tagged with being a difficult community to work with. Sometimes there are messages sent out that we try our best but oftentimes it can be a frustrating process or we are overly bureaucratic or we don't sometimes have the business interests in mind. I've heard those sentiments and I don't believe them to be true and I think this actually is a good example of how we can all come together and try for both parties, bring forward a resolution that will be appetizing or pleasing to all involved.

So I heard those concerns, Attorney Prolman reached out to me and said from an Economic Development perspective, do you think there's anything that can be done here to help move this conversation along so it just doesn't get opposed or a small business owner here in the City is stuck in a situation where it becomes untenable. So you know I reached out and spoke to the Administration, Community Development, the Chair of the Infrastructure Committee, got a sense as to what the priorities were from everyone and set up a couple meetings and facilitated a conversation that ultimately brought forward some really interesting elements.

For instance, we learned that there was a historic façade easement put in place and it was put in place in exchange for a certain type of use occurring on the building back in the '80's but now we are in a different market and we in a different time. Amherst Street is a different street than what it was then and you need to keep that into perspective. We learned that an independent historic consultant came in and did an

assessment, there are elements that are historic, particularly in the barn area, but overall, the State has concluded that it is not of strong historic significance.

Then we have priorities here in the City that we constantly are looking for differing type of funding for; whether it is preserving historic elements in other areas of the City like the in the Historic District which this property is not. Or public art and ways we can try to beautify the City through public art or Downtown Redevelopment.

So with that being said Mr. Chair, what you have before you is a recommendation from the Historic District, you have a recommendation from the Planning Board, you have a recommendation from myself that you have an agreement that outlines a \$50,000.00 contribution to the City, exclusive salvage rights to be preserved for the City to be able to go in an harness those elements that are historic and we will be able to preserve them and use them at a later date, which we are going to try to preserve the trees in and around the site. And in exchange for that there will be a release of the façade. To me I think that this is a good agreement that everyone can be proud of. Thank you.

Chairman O'Brien

Alderman Jette are you satisfied?

Alderman Jette

Well could I ask my question again?

Chairman O'Brien

Yes you may.

Alderman Jette

So what Lisa Mausolf's report, you know, at least I was not given a copy of that so I don't know what it says. I am just wondering if you Attorney, with the Chair's permission, Attorney Prolman could tell us what it said, what did she find?

Attorney Prolman I'll give a brief summary. In July 2019 Lisa Mausolf provided this report and I apologize for you not getting it but we did submit to everybody I could think of and I will get you a copy. She has a 10 page report and she goes through her criteria on what she looks at when considering preservation or non-preservation. So the first is she has an introduction and then she speaks to the Nashua Historic Register Eligibility Process and she describes the four criterion that the Federal Government looks at such as archeological resources and architecture significance. Are there associated or events associated with the property that could somehow give it some weight. She goes through them, this site didn't meet any of the criteria, which again coincides with the State taking a look at it.

She debunked this ghost myth that is out there with respect to this property. She did, she came to the conclusion that it was a good marketing ploy for a restaurant to open but that was about the extent of it.

Chairman O'Brien

I'm glad you brought that up. Did you hear that folks, no ghosts.

Attorney Prolman She described the architectural changes made both interior and exterior which undermine the value of any historic significance. When converting the property to a restaurant a lot of interior work was done, a lot of things were removed over time.

So those types of things she went through kind of painstakingly and then she gave an almost like a title history of the property.

Alderman Dowd

Just for clarification is your opinion the City's opinion? Originally there was concern from Director Marchant.

Director Cummings

Yes so mine would be the City's, this takes in Director Marchant's concerns.

Alderman Dowd

I was never quite sure it ever had any historical significance and I will admit there is probably some things in the barn people would want to rescue. So I don't have a concern with releasing the façade. I will have concern over what goes in its place, having been in that restaurant a number of times, there's no parking out front per se. The building sits up high, there's a steep drop off in the back if you want to open parking behind it. So I'm having a hard time envisioning what could go in there and how it would be developed. So my only reservation would be what takes its place but based on all the things we have done on Amherst Street over the last too many decades, it probably looks out of place now. I mean I like it, but I don't think it is anything that is of historic significance or something that would be lost. So again I don't have any problem with their request I will have concern of what goes in its place.

Chairman O'Brien

I do have a question of Mr. Cummings. I see here there is going to be a \$50,000.00 contribution to the City. Where does that contribution end up, more specifically can the Board of Aldermen determine where it wants to go; maybe we are losing an edifice that had at one time designated Nashua we are building another edifice down on Main Street, the Performing Arts Center. Toy with me a bit, could the Board of Aldermen make a recommendation that that \$50,000.00 go for the community good into the Performing Arts Center.

Director Cummings

If that's the pleasure of the Board of Aldermen, whatever you'd like.

Attorney Prolman There's no restriction on how this money would need to be used.

Chairman O'Brien

And for the Chairman of the Budget, Alderman Dowd?

Alderman Dowd

Just for clarification, unless the Board of Aldermen earmarks where that is going specific, like in the Special Revenue Fund or for some specific purpose, when people give us money, it goes into the General Fund.

Chairman O'Brien

Seems maybe food for thought maybe as we go on maybe an Ordinance may need to be constructed then, seeing if that's allowed. Very good.

Alderman Dowd

It could also be earmarked for infrastructural improvements on that portion of Amherst Street, sidewalks, cross walks, whatever.

Chairman O'Brien

It could; I just threw it out there. We all have our little ...

Alderman Schmidt

I think we could all find a way to spend it.

Chairman O'Brien

But I used my example as an example, so yes, yes, well taken. Any other further questions? Before I call for the vote, I would just like to say in a statement, when this idea first came to us and Mr. Prolman to you, you may remember the first meeting and the hearing here, I would have to say you and your principals and Mr. Cummings and several other people that have worked on this. I would like to thank our fellow Boards, the Planning Committee, the Historical District Committee, the matter was referred to them and did come back and everything else. It really shows how we in the City can work. The fact that we can get a \$50,000.00 contribution, the exclusive salvage rights to the City of some of the portions that are in that structure; efforts to maintain the trees on the site and for the release of the façade agreement. It shows that the system does work so I thank you sir for working with us on that and I think it's a goo deal for the City. So therefore, if I may, I will call for the vote.

MOTION CARRIEDChairman O'Brien

Mr. Cummings if you do have just two seconds in case there is a question. There being no objection I am going to keep R-19-150 on the table. R-19-150 is Authorizing the City of Nashua to enter into a license agreement for a parking area off Artillery Lane, Nashua Abutting Map 63, Lot 45. What I know of right now, we are still in negotiations at this particular time, so removing from the table would be premature at this particular time. If it is the please of the Board we shall keep it.

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; Tabled 6/27/2019
- Tabled 6/17/2019

Chairman O'Brien

That also being said, I am going to keep on the table O-19-036 Designating an additional section of Bower Street one-way Easterly. I am familiar, there have been ongoing meetings with Mr. Cummings and several other principals discussing that. At this time it would be too premature because not all the stakeholders have been informed and brought up to speed. So it would be premature to take it off the table at this particular time. So without objection they shall remain on the table.

O-19-036

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

DESIGNATING AN ADDITIONAL SECTION OF BOWERS STREET ONE-WAY EASTERLY

- Tabled 2/27/2019

GENERAL DISCUSSION

Discussion with Treasurer Fredette re: Property Taxes

David Fredette, City Treasurer

Thank you Mr. Chairman. Thank you for allowing me to come tonight. I don't have any handouts tonight but I will at the next meeting for sure. I just wanted to brief the Committee on a little bit of process on deeding property because this is the committee that hears that and decides if we will deed or not deed. I came here two years ago, 2017 in the fall, but I believe that everybody on the committee now was not on the committee two years ago. Were you, but you're not on the committee now. OK. I don't know how familiar you are with the whole process but as you know, after a certain period of time that people don't pay their taxes, we can deed their property. We are not very aggressive in deeding, we never have been but we deeded 2 years ago and we will probably be deeding some this year.

I meet with everybody before they ever come to this committee and they are people that I've dealt with for many years sometimes. Sometimes it is very difficult, some people have health issues, very serious sometimes. So what we try to do when we with them is at least get them on some kind of a payment plan so they actually make routine payments. If they keep that up we usually just talk to them once in a while. We don't usually get any pressure to take the property. But I have a list that will be being forwarded to you I think either at your next meeting or maybe in November, I'm not sure yet. But it will have around 15 to 20 properties on it. Some of them owe quite a bit of money because it is multiple years and I've dealt with them for many years and some of them are just refusing to pay. I think decisions have to be made on some of these for sure.

There are several reasons why you don't deed and there are different laws that allow you to do that. One of them is if the property considered to be contaminated, that's one reason why you may not deed. We have some like that, the tannery is one of them as you probably know; they owe back taxes going back to I think 1984 maybe. And there are some other ones like that in the City so I can review that with you at that time. Then there is another law not to deed for kind of miscellaneous issues; they can be if the property is a condominium or a mobile home, because if we do deed, then you begin to pay the monthly condo fee or the park rent. We work with the mobile home parks in the City the managers and we try to get people to pay so that has been fairly successful. You can't deed a property until after 2 years and 1 day from when it is liened; that actually ends up being almost 2 ½ to 3 years because we only lien in April of each year. So if somebody is late on their taxes in July and then they are late in December, that following April is when we lien and then you cannot actually deed until 2 years a 1 day after that date.

When you place the lien, the interest rate or the penalty used to be 18% it was recently changed by the State Legislature and now it is 14%. So the penalty is steep and it should be. So the City, when people do pay off or the property is sold, there are different reasons, we do collect that penalty. We collect over \$1 million dollars a year in those penalties. It is a revenue stream for the City; it's not meant to be but it is. So that's why sometimes we are not aggressive on taking some of the property but again that would be the choice of this committee. The minutes of the committee go to the Full Board and when the Full Board approves the minutes, that's the final steps. Then we work with these people for awhile before we deed.

I know two years ago we had a list of properties and maybe 5 or 6 of them actually paid up before we actually deeded. So that always happens. But we did about 4 or 5 properties 2 years ago. One is on Canal Street, one is on West Hollis Street, vacant lot on Main Street and a few other smaller lots I think. So I just wanted to update the Board like I said the Committee, because you haven't been through this before.

Alderman Dowd

Just a couple things, in discussions with Corporation Counsel I think there are times that you can take it without going 2 ½ years. You and I have talked about a couple of properties, I am not going to mention the properties, but you know which they are.

Mr. Fredette

You mean the little lots? Yeah they are on the list.

Alderman Dowd

Good.

Mr. Fredette

But no you cannot take them before that, I've never heard of that before, it has to be over 2 years and 1 day.

Alderman Dowd

Well this particular area, no access and I am going to put legislation in to discontinue all these paper streets. It is boundary bound and I think there are ways it can be taken fewer.

Mr. Fredette

Well there's only a few there, I think I told you that, there's a few, I can't remember how many.

Alderman Dowd

There's 2.

Mr. Fredette

Well they are on the list. Now if they pay their taxes then you can't take it.

Alderman Dowd

Yeah but I think you said this one hadn't paid taxes in quite a while.

Mr. Fredette

Yes probably.

Alderman Dowd

When they don't pay their first taxes is that when the 2 ½ years starts?

Mr. Fredette

Yes it is whenever that first lien is placed, 2 ½ years after that first lien. But we place a lien on every delinquent year.

Alderman Dowd

When you come back with that list with these two properties on it, can you say when that started, so we could take those if they've been more than 2 ½ years.

Mr. Fredette

They have been. So yes I can tell you that.

Alderman Jette

So I have several questions if you don't mind. Could you review for us what the people who are having a hard time financially, what exemptions can they take advantage of as far as getting a break on taxes are there any?

Mr. Fredette

Well of course that's what we try to first educate them on that there is the elderly exemption, veterans credits, there is one that is for elderly and poor, very, very hard to qualify. I think there are only a few people in the whole City that get that. That goes through all the Assessing Department and the Board of Assessors, they grant those. So we do go over all that with these people. Most people who owe back taxes have no mortgage on their property. If you have a mortgage on your property, your taxes are paid. It is people who have no mortgage. So a lot of them are inherited, they inherited the property or they are just people who lived there for many, many years. We've had a few over the years that didn't pay and didn't realize there was an elderly exemption and when they applied they qualified. So they may owe like 2 years going back quite a few years, but every year after that they've qualified, so we don't anticipate taking that property. The people will live there as long as they can. But there are a few of those, there's not a lot. So I'm not sure if I answered your question.

Alderman Jette

Do you know off the top of your head what the elderly exemption is and what the qualifications are?

Mr. Fredette

Well of course that's Assessing but I believe you can't have more than \$125,000.00 or \$150,000.00 in assets not including your home. But it does include a second home or your car or CD's, savings accounts all that kind of stuff. Right now the City issues around 860 elderly exemptions. 850 properties get the elderly exemption. I think around 300 pay no taxes at all. So it's the asset level, there's an income level I think it is \$50,000.00 and as you get a little older, the exemption grows. So it starts at 65 and it increases at 75 and then at 80 it increases.

Alderman Jette

65 years of age?

Mr. Fredette

Yes 65 years, I don't remember the exact exemption amount, you can find it right on the City Website. But a lot of the people who may not pay anything are probably people who are over 80 because the exemption is the largest. I think it's around \$255,000.00. So if somebody has a small cape or a small ranch, you know, they probably pay no taxes. I know there are about 800 properties that qualify right now for that.

Alderman Jette

When we send out the tax bill do we inform people of these exemptions so that...

Mr. Fredette

All the exemptions and credits are listed on the back of the tax bill. They only have to read it.

Alderman Jette

Good. Ok.

Mr. Fredette

And you know there used to be quite a few stories about it in the paper, not lately but there used to be. I am amazed sometimes though how some people have never heard about it. Even the Veteran's Credit. I find Veterans who don't know anything about it sometimes. And it is \$500.00 so it is a good amount of money, actually I think it was increased so it is even more than that.

Alderman Jette

I have a couple more. So you mentioned properties that you wouldn't want like the tannery because of the liability. But do we ever use any alternative collection procedures like let's say a family, the Sacklers, that family that owned the drugs, if they owned a piece of property and didn't pay their taxes and it was contaminated so we didn't want it. Do we ever try to collect from them? I mean people might have other assets other than the property itself. Do we have the right to and can we sue them and try to collect the taxes from their other assets?

Mr. Fredette

Well I've never heard of that happening, no I'm not familiar with that at all.

Alderman Jette

Ok and one more. When you talk about deeding the property after 2 years and a day, what's the procedure, do we have to have an auction, can other people bid on it?

Mr. Fredette

When you deed the property and the City ends up owning it, the Aldermen have the right to do anything they really want with it. They can just keep it; they can sell it; they can do an RFP; they can do options. They have different choices. But if you decide to sell it, you need to notify the former owner, the first two years after you take it and that former owner has the right to repurchase the property for all the back taxes and some penalties. If they don't and you sell, let's say it's just a regular home and you sell it. After you sell it you have enough to collect all the back taxes and there's actually left over money, you have to return that amount to the former owner. Years ago the communities would keep that but the State also passed an RSA on that. Usually we don't have left over money but it could happen.

Alderman Jette

Thank you.

Alderman Dowd

Yeah I just wanted to say that I was involved in Manchester with the elderly exemption and I can tell you that Nashua has the most lucrative elderly tax exemption in the entire state.

Mr. Fredette

Yes if you just go in some other communities, some very wealthy communities and look what they have, Nashua has very large exemptions and credits, they really do.

Alderman Schmidt

You've applied the liens and you have how many properties to bring before us?

Mr. Fredette

I think there will be about 15 or 20. Some of them are vacant lots; others are single family homes, some are apartment buildings. The thing is we don't like to deed unless we really have a purpose for the property. Because a once we take it, we own it and we have got to decide to do something with it. We have to manage the property. In the past, I've done some of that and more recently Tim Cummings has done some of that also. Very little commercial property; back in the last recession there was a lot of commercial property that owed, a lot of people who were in the development business, you know, because nothing was selling. But that's not the case anymore, it's mostly just residential.

Alderman Schmidt

So this goes up and down depending on what is happening in the general financial world? And now is a time it is high again, a greater number of them are not being paid?

Mr. Fredette

Oh no I year after we bill we are 98% 99% collected in taxes. No we have a very high collection rate, Nashua has a very high collection rate and that is always mentioned in our Rating Agency Reports. If you look over the last 10 years it ends up being like two tenths of a per cent that is owed. And that's really what I deal with; I mean the per cent sounds small, the dollars aren't as small but we collect \$225 million a year in taxes. So that's a good amount of money. But we have a high collection rate in Nashua, very high.

Chairman O'Brien

Any further questions? OK seeing none I would just like to say that if anybody has any questions, the City of Nashua does have exemptions for the elderly, the blind, that wasn't mentioned, the disabled and the Veterans. And all of this can be found out if the citizen wants to go to GONASHUA.COM and direct themselves to the Assessing Department and there is a tab there that actually brings up with is the requirements. I got it right here on my phone while you people were talking I was able to quickly bring that up. So it has all the things that people can determine. I agree with you Mr. Fredette, we don't want into the property business. But there's one thing for sure, death and taxes and the City of Nashua sounds like it has been very good with some of these people with long-term without collecting. So it may be time to unfortunately it is part of our job but it may be time to take a look at that. So we will anticipate that in the future.

Mr. Fredette

The list will have some longer term people and it's exactly what I said, there are some apartment buildings, homes. In the past the Committee sometimes would invite these people in; sometimes they didn't. I mean when I'm bringing a list, that list is pretty bad. I mean we've tried for many years to collect.

Chairman O'Brien

Again it's one of the unfortunate things that we do.

Mr. Fredette

One of my duties.

Chairman O'Brien

Again any further questions? Seeing none, Mr. Fredette, thank you so much for the update and up and coming.

Mr. Fredette

So I will get back to you on when I have the list. I may ask for a special meeting but it depends if I can get it done for October.

Chairman O'Brien

And that's another thing and I'm glad you segwayed into that. Some of this would be discussed in a closed fashion I would imagine.

Mr. Fredette

In the past we have but we actually talked about actual owners and some of the problems, very personal.

Chairman O'Brien

I will check with Corporate Counsel but that may be one of the things that we get into a closed session we don't really want to get out there, we are respecting the privacy of the citizens you know what I mean in this type of situation.

Mr. Fredette

I think every time I've come we've done that.

Alderman Dowd

We used to bring pictures and property descriptions so it is sensitive information.

PUBLIC COMMENT - None

REMARKS BY THE ALDERMEN - None

POSSIBLE NON-PUBLIC SESSION – None

ADJOURNMENT

**MOTION BY ALDERMAN SCHMIDT TO ADJOURN
MOTION CARRIED**

The meeting was declared closed at 8:27 p.m.

Alderman Jan Schmidt
Committee Clerk



THE CITY OF NASHUA

Economic Development

"The Gate City"

To: Scott Leclair, Planning Board Chair
From: Tim Cummings, Director of Economic Development

Cc: Andrew Prolman, Attorney – Prunier & Prolman, P.A.
Date: September/2019

Re: 452 Amherst Street – Release of Façade Easement

Background

Alla Maak Properties, LLC has petitioned to the City to Release the Façade Easement on 452 Amherst Street (the Country Tavern Restaurant). The Board of Aldermen's Infrastructure Committee referred the petition to the Planning Board of their recommendation.

The Planning Board was previously supplied with the following:

- The NH Division of Historic Resources determination that the Property is NOT eligible for the National Historic Register.
- Historic Preservationist Lisa Mausolf's Report explaining why the property has little to no historic value.
- Acted in accordance with the City's Master Plan objectives on Historical Resources, by providing a documentation of the history of the structure for the City to be archived in its historical resource database.

Furthermore, Since the July, 1, 2019 Memo from Roger Houston the City, through its Economic Development, Community Development and Legal team, have entered into a dialog with the applicant to discuss a reasonable alternative to simply removing the façade easement from the property that would be a win-win for all involved.

To that end, the parties have worked closely these past few weeks toward an agreement acceptable to the City and Alla Maak Properties. Our Agreement includes:

- A \$50,000.00 contribution to the City
- Exclusive salvage rights to the City
- An effort to preserve the mature trees on site
- Release of the Façade Easement

Request

Considering that the Property has little to no historic value, and we have a substantive Agreement in place, we respectfully request the Board's positive recommendation to the Board of Alderman to release the Façade Easement.



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

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

MEMORANDUM

Date: September 18, 2019

To: Ald. Michael B. O'Brien, Sr., Chair and Committee on Infrastructure

From: Linda McGhee, Deputy Planning Manager *LM*

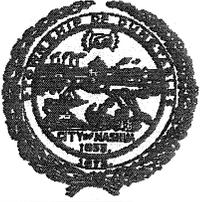
RE: Referral from the Committee on Infrastructure – Petition to Release Façade Easement.

At the Nashua City Planning Board's regularly scheduled meeting of September 12, 2019 the Planning Board voted unanimously to make a favorable recommendation on the above referral.

If you have any questions concerning this notification, please contact me at 589-3110.

cc: Mayor Jim Donchess
Legislative Office
Sue Lovering, City Clerk
Scott LeClair, Chair, NPCB
Sarah Marchant, Community Development Director

RLH/clw



Nashua Historic District Commission

229 Main Street Nashua, NH 03061-2019

To: Board of Aldermen - Infrastructure Committee

From: Historic District Commission

Subj: 452 Amherst Street, Country Tavern

Date: September 24, 2019

At the September 23, 2019 regular meeting of the Historic District Commission (HDC), a majority of the attending members voted to support the release of the Façade Easement for the Country Tavern Restaurant, at 452 Amherst Street. The Commissioners are aware that the restaurant is not located in their jurisdiction.

The HDC members were in agreement of the stipulations that included:

- A \$50,000 contribution to the City of Nashua
- Exclusive salvage rights to the City of Nashua
- An effort to preserve the mature trees on site
- Release of the Façade Easement

Robert Sampson, Chairman
Historic District Commission