

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
ROAD HEARING**

April 28, 1998

5:30 PM

Mayor Wieczorek called the meeting to order.

Mayor Wieczorek called for the Pledge of Allegiance, this function being led by Alderman Pariseau.

A moment of silent prayer was observed.

The Clerk called the roll.

Present: Aldermen Klock, Reiniger, Sysyn, Clancy, Pinard, Shea, O'Neil,
Girard, Rivard, Pariseau, Cashin, Thibault, Hirschmann

Absent: Alderman Wihby

Mayor Wieczorek advises that the purpose of the road hearing is to hear those wishing to speak in favor of or in opposition to proposed street discontinuance petitions; that each petition shall be addressed individually at which time the Public Works Director shall be requested to make a presentation following which those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record; that each person will be given only one opportunity to speak and any questions must be directed to the Chair.

**A. Petition for Discontinuance
A portion of Harvey Road**

Mr. Thomas explained Harvey Road was originally accepted as a public roadway on October 3, 1751. Harvey Road is being discontinued from just south of the intersection of North Perimeter Road and Harvey Road southerly approximately 1,303 feet to facilitate the extension of one of the runways by the Manchester Airport Authority. Harvey Road itself is being relocated from the southerly portion of the discontinuance, easterly to South Willow Street. Utilities that are in the portion of discontinued Harvey Road are being addressed under the entire project.

Mayor Wieczorek called for those wishing to speak in favor.

Timothy Golde, Engineer with COB Engineers, 540 Commercial Street, Manchester, NH spoke on behalf of an abutter, Katherine and Howard Brodsky. They were notified of this hearing and asked us to assist them in this matter. They are in favor of the project and simply want to go on the record with a request. They own a parcel. It is mapped 854, Parcel 1, located at the intersection of South Willow Street and what was Harvey Road which now will become North Perimeter Road and they simply make a request that they get an access point as part of this project due to the location of their property directly in the intersection proper they are requesting that their drive access be included in the project. They have asked us to assist them in that matter. We have prepared a submittal which we would like to leave with the Clerk.

Mayor Wieczorek called for those wishing to speak in opposition. There was no one.

B. Petition for Discontinuance
A cul-de-sac "Ears" - Megan's Meadow

Mr. Thomas explained a cul-de-sac was required at the end of Megan's Drive as part of the Megan's Meadows subdivision. Megan's Drive was later extended by Lamontagne Builders as part of the Rose Cliff subdivision. Where the cul-de-sac was no longer needed, the developer agreed to physically remove the bubble out portion or the "ears" as they are referred to here and consolidate the land with the abutting property owners. You can see that on the plan that is included in your agenda. It is just the two bubbles on the side that are being discontinued with this petition.

Mayor Wieczorek called for those wishing to speak in favor.

Alderman Reiniger arrived at the meeting.

Terry Belair, 360 Megan Drive, Manchester, NH stated the "ears" have been removed and I just want to make sure that everything is all set with that because we are okay with that.

Mayor Wieczorek called for those wishing to speak in opposition. There were none.

C. Petition for Discontinuance
A portion of Page Street

Mr. Thomas explained Page Street from Candia Road to Holt Avenue was dedicated on a subdivision plan dated September 7, 1912. The section of Page Street was never opened or improved for public travel. The Board of Mayor and Aldermen accepted the street in April of 1968 and in that year a sewer was constructed in the area. If the Board elects to grant a discontinuance on this petition, a utility easement should be reserved for the entire area of the right-of-way. In addition to the sanitary sewer that is constructed down the right-of-way, there is a small section of water main that kind of comes into the middle of the street right-of-way so utility easement should be reserved.

Mayor Wieczorek called for those wishing to speak in favor.

Bill Gardner, 539 Candia Road, Manchester, NH stated I have been living there for 49 years. Page Street, the land on the east side of Page Street is non-buildable. The lots are all too small and the other abutters on the west side I don't think they want to build a house there. My neighbor who lives next to me who is not here because his car broke down and I was hoping he would be here by now, he would like to level off our area to make it more presentable and he asked me if we own the land here. I said I think we do but I said I would look into it. I am the one who started this whole fiasco. Since it is not being used and I don't think the City of Manchester would ever open that street for any reason because it is just not worth it, I am in favor of closing the street.

Gary Gardner, 230 Holt Avenue, Manchester, NH stated my house is at the end of the paper street, Page Street. I am in favor of having the street closed because where my house is situated right now is at the end of the street and it is considered a corner lot. Therefore, I cannot add on a garage or breezeway onto my house because it has to be 50 feet or so from the street and now I have to be away from the paper street of Page Street. Therefore, I would like to have the street closed.

Ed Tishkevich, 25 Lovering Street, Manchester, NH stated I am here at the request of Father Boisvert from St. Pius Church. We wish to speak in favor of the discontinuance. The Father did ask me to come. He was unable to be here and we are in favor of the discontinuance. Now it may be a contentious issue but we just wanted to be recorded in favor of it.

Robert Duperron, 71 Brennan Street, Manchester, NH stated I am an abutter. I am just here to say I am in favor of the discontinuance. My only concern is the ditch that Mr. Dorval referred to that if they do discontinue it I would like to have it leveled off so that the hazard for children is not there and not on my property. I have no problem with the easement either. Thank you very much.

Guy Lessard, 115 Brennan Street, Manchester, NH stated I just wanted to say that I am in favor of the discontinuance. I live between all of them. I have lived in Manchester all of 36 years and I have seen every little plot of woods disappear from the City. From the ones around CMC to the ones around Stevens Park to...every little plot seems to be disappearing and when they go, another house gets shoehorned in, something gets crammed into a plot where there was nice little woods and wild life and one of the reasons I bought into this neighborhood was because it had the best of both worlds. I had woods and a little creek behind my house and I had trash pick up and Manchester city water to drink from and it was, again, the best of both worlds. I would prefer the discontinuance if possible.

Mayor Wieczorek called for those wishing to speak in opposition.

Richard Fradette, Esq., One Dartmouth Street, Manchester, NH stated I appear on behalf of my clients Ralph Farley and Janice Hobbs. Mrs. Hobbs is here with me also this evening. We oppose the discontinuance of the road and the reason, as set forth in my letter, is the Hobbs own three parcels of land along Page Road, Lots 65, 64, and 63. They are all preexisting lots of record. They are in common ownership now so I suspect they would be merged in the event that they sought to build on those lots, but nevertheless, by discontinuing Page Road you essentially landlock those three lots. There is no access. The church owns land up on this side and of course you have Brennan Street and the owners of the folks on Brennan Street. They oppose it because it would create a series of landlocked lots and I would also note for the record that they have been paying taxes on these three lots for 37 years so they do oppose a discontinuance.

Janice Hobbs, Page Street, Manchester, NH stated I am not into public speaking so I am a little nervous. As Atty. Fradette said, my father has paid taxed on this property for 37 years. The plan that Frank Thomas spoke of, done in September, 1912, I went down to the Hillsborough County Registry of Deeds and tried to find this plan. According to them, it was probably never recorded. The plan that I did find that is on my deed was recorded 4/20/49. It was a plan of the Brennan Estates made and recorded at the Hillsborough County Registry of Deeds on July 18, 1951. In 1968 they did the sewer easement. In 1979 a sanitary sewer was run over from Brennan Street and connected and in 1983 the sewer was extended to Holt Avenue. Thirty-seven years of paying taxes on the property and now the road is going to be discontinued. My father has been talking for years that this was going to be a building lot, the City was going to put the sewer in, the water was going to come through and it was a beautiful lot and how nice it was going to be and now suddenly it is going to be discontinued and the property is virtually worthless. As it is now, we can't even get into the property. The abutters are parking cars there so that he can't even get in. We couldn't get in to measure out the lots. Thank you.

Romeo Dorval, 81 Brennan Street, Manchester, NH stated I have a lot to the rear of my house which abuts Page Street. I rise in opposition to the proposal here in similar fashion as Atty. Fradette has spoken of. My lot, I have lived there for 37 years. I used to have access across to Page Street, paper Page Street, to get to church. Somehow or other, someone over a course of time developed the properties south of us and dug a ditch which is not approximately 20 feet wide and 15 feet deep. It accumulates water. It is a hazard and liability for anyone who owns it for children playing around there that would fall into it. In addition to which next to me there are two other lots north of me that would also be landlocked. I have no problem with the discontinuation of Page Street where that sewer line exists that goes up to the school in bank of St. Pius church. South of that I am not concerned, but nevertheless we are landlocked to the point where I have no way of accessing the rear of my property in the event that I had to bring anything through to the back of my house, as well as the large area of forest, trees and the like where there is no access for fire engines to get through. I would like to see Page Street as it exists now continued and also leveled off.

Suzanne Puchacz, 103 Brennan Street, Manchester, NH stated I am an abutter to this property and I am here tonight to speak in opposition to the discontinuance of Page Street. We, too, have lived there for 22 years and have paid taxes in Manchester and one of the reasons we stayed here in Manchester is because of the desirable location that we have and we want access. We have two building lots in back of our house and this would close off and not give us the opportunity to be able to sell that property if we chose to in the future. So, I am here to speak in opposition of the discontinuance of Page Street.

D. Petition for Discontinuance
A portion of Dartmouth Street

Mr. Thomas explained that Dartmouth Street, from West Hancock Street to Log Street was laid out on two separate plans in 1890. The Board of Mayor and Aldermen accepted this portion of roadway on October 13, 1897. We have not been able to find any records of a discontinuance which may have taken place in 1915 as noted by a Attorney Allen's correspondence that we received. The requested area of the discontinuance is now part of the Bass Island Estates. I am not sure if they are condos or apartments, but they are part of the development and is creating a problem with the title to the property. That is the basis for the requested discontinuance.

Alderman O'Neil asked who is the petitioner on this.

Mr. Thomas answered I believe it is the owners of the Bass Island property. It is One Dartmouth Street Realty Corporation, property 25-75 Log Street, a.k.a. Bass Island Estates. That is noted on correspondence dated March 11, 1997 delivered to the City of Manchester Highway Department and it was signed by Atty. John L. Allen, Esq.

Mayor Wieczorek called for those wishing to speak in favor.

Richard Fradette, Esq., Page Street, Manchester, NH stated I appear on behalf of the owner of this project and the petitioner actually would like to discontinue only a portion of Dartmouth Street which may even alleviate some of the traffic concern that was just referenced. If you look at the map, it presently, the road goes Dartmouth Street and then swings as you are facing the map, to the left. What they are proposing to do is to discontinue that section that is shaded. Also with me this evening if Mr. Arthur Sullivan who is the owner and he would like to address the Board as well.

Arthur Sullivan, One Dartmouth Street, Manchester, NH stated I am one of the owners of the property. I wanted to note in regards to the speed situation that this is only a very small portion of Dartmouth Street that goes into...actually before the second building. As you notice and we probably did it illegally, but there is a speed bump right as you go into the property and another one. There is actually two on the property but that is besides the point. This piece of property currently has a road that comes from Log Street right through and exits onto Dartmouth Street. We are only looking to have this terminated for a technical reason that arose from our refinancing the property. We actually thought we owned this already and after doing a survey it was discovered that it was never discontinued and we thought it was already discontinued in the past.

Alderman Cashin asked are you going to be over there at the site when we get there on the bus.

Mr. Sullian asked when do you do that.

Alderman Cashin answered right after we are through here and will the two neighbors be there.

Mayor Wiczorek called for those wishing to speak in opposition.

George Furrow, 231 W. Hancock Street, Manchester, NH stated I am here with Mrs. Gosselin and we abut this property. I am here to speak in opposition of this. I bought my property in 1978 and approximately two years later they built the apartments in the back and I believe it was a Mr. Suler and prior to building this there was a fence across my property over to Mrs. Gosselin's with trees and everything there and all of the sudden they were taking these down and Mr. Suler said to me and to her that there was nothing we could do about it, he didn't care, he had the money, he would fight us in court, he was going to take this fence down and they were initially going to use this just as an exit. Well, they don't. It is an entrance and an exit and people travel in and out of there are excessive speeds, they through garbage into my yard and as a result the road between my house and her house, all the water in the winter time comes down into there and goes into my garages and into her garages. Basically when I bought my house, and Mrs. Gosselin was there for over 40 years and I am speaking for her also, they took our privacy away from us and didn't even care about us. I would like to see this not happen.

Alderman Cashin asked don't you have a driveway that exits onto this area that would be closed.

Mr. Furrow answered yes I do. I have a driveway and so does she. The people driving in excessive speeds in and out it creates a safety hazard for her tenants and mine also.

**E. Petition for Discontinuance
A portion of Pellerin Lane**

Mr. Thomas explained Pellerin Lane was laid out on an Amoskeag Manufacturing Company Plan dated January 31, 1883. City records did not indicate that Pellerin Lane was ever accepted by the Board of Mayor and Aldermen, however, Pellerin Lane was opened to public travel and at some point was improved with asphalt. As a result, Pellerin Lane would have achieved public status. The discontinuance is being requested by St. Marie's Church to facilitate some improvements that they are proposing to do in the area.

Mayor Wieczorek called for those wishing to speak in favor.

Alderman Thibault stated the priest at St. Marie's called me over there to let me know what they are doing over there. They have a major proposed project going on there. I would like to let the Board know that they have been using this piece of land as into their parking lot. It is right behind the fire station on Amory Street and they have been using this. It is right inside their parking lot. Nobody has ever used it and as Frank Thomas told me, they don't want any part of it. I would appreciate the support of the Board to close it.

Mayor Wieczorek called for those wishing to speak in opposition. There was no one.

TABLED ITEM

On motion of Alderman Girard, duly seconded by Alderman Pariseau, it was voted to remove the item from the table.

Petition for Discontinuance (Tabled 10/24/94)
Of Wells Avenue, from 529 feet northerly of Stetson Street,
a distance of 149 feet northerly to end

Mr. Thomas stated just to refresh the Board, the petition for the discontinuance was tabled on October 24, 1994. The discontinuance petition was for the last 149 feet of the accepted roadway known as Wells Avenue. Wells Avenue was laid out on a plan dated November 12, 1912 and accepted by the Board of Mayor and Alderman on July 29, 1945 from Bridge Street Extension to a parcel of land now formerly owned by a Victor Dahar and that is 1,787.9 feet in from Bridge Street Extension. The portion of street that is the subject of the discontinuance as I mentioned is the last 149 feet of roadway. That last 149 feet of roadway has never been opened, improved, or utilized by the public for access. If I remember correctly, one of the reasons why it was tabled at the last road hearing was there was a question on if this large area of land was to be developed how could access be provided to the area. Could it be provided from Candia Road or potentially from Wells Avenue.

Mayor Wieczorek called for those wishing to speak in favor.

Richard Adams, 257 Wells Street, Manchester, NH stated we made the petition back in 1991 to close it off. If they do continue the street the full 149 feet up to the end, I am going to lose 20 feet of my front lawn which is now my front lawn. If they come in and make the road the actual 40 feet wide, I lose almost all of my front lawn. I have no place to put a garage and if they do open that whole parcel to the back lot they are going to lose all that access as well to the street. The next street over, Stetson Street, is more than enough access for that parcel of property. Stetson Street is continued almost up to the end where Hester Street runs. Hester Street is a paper street that has never been approved. Stetson Street would make a much more logical exit and entrance to that property.

Alderman Clancy asked isn't there only one house on Hester Street.

Mr. Adams answered Hester Street is accessed by Candia Road. That street has never been approved.

Mayor Wieczorek called for those wishing to speak in opposition.

Melanie LeBlanc, 260 Wells Street, Manchester, NH stated we bought this property in 1995 and according to my records that last 149 feet are my road frontage and I don't want to have the road discontinued. I want to have access to my rear yard and that 149 feet is all road frontage on my property. I don't know what happened in 1994. We bought it in 1995. I am in opposition to closing this road.

Mayor Wieczorek asked who did you buy the land from.

Ms. LeBlanc answered Benjamin Baroody.

Mayor Wieczorek stated the Solicitor has ruled that we don't have to go back to look at it, but I don't know if you are prepared to make a decision on it. There are a number of people who weren't here at the time we viewed it in 1994.

Alderman Hirschmann asked if we do discontinue it, wouldn't she own a portion of that land.

Mr. Thomas answered if we have heard all the testimony, I would be glad to give you our recommendation and that is that this petition for discontinuance be denied and the reason for the denial would be that as I mentioned there is a lot of potential land that can be developed. I don't want to do anything this time to potentially restrict the access to that land and quite frankly to honor the testimony of this resident here where she does about what is now classified as an accepted City street.

On motion of Alderman Cashin, duly seconded by Alderman Rivard, it was voted to deny the petition for discontinuance of a portion of Wells Avenue.

On motion of Alderman Pariseau, duly seconded by Alderman Thibault, it was voted to recess the meeting to proceed to view the areas of petitions presented.

Mayor Wieczorek called the meeting back to order at the site of the first petition:

A. Petition for Discontinuance
A portion of Harvey Road

The Board viewed the area of the petition as explained by Mr. Testa. Alderman Pariseau moved to table this item. Alderman Rivard duly seconded the motion. A roll call vote was taken on the motion. Aldermen Clancy, Shea, Rivard, Pariseau, Cashin, Thibault and O'Neil voted yea. Aldermen Klock, Reiniger, Sysyn, Pinard, Hirschmann, and Girard voted nay. Mayor Wieczorek vetoed the action.

Alderman Pariseau moved to override the veto. Alderman O'Neil duly seconded the motion. A roll call vote was taken on the motion. Aldermen Clancy, Pinard, Shea, Rivard, Pariseau, Cashin, Thibault, and O'Neil voted yea. Aldermen Klock, Reiniger, Sysyn, Pinard, Hirschmann, and Girard voted nay. The motion failed.

Alderman Klock moved to approve the discontinuance of a portion of Harvey Road. Alderman Hirschmann duly seconded the motion. A roll call vote was taken on the motion. Aldermen Klock, Reiniger, Sysyn, Pinard, Hirschmann, and Girard voted yea. Aldermen Clancy, Shea, Rivard, Pariseau, Cashin, Thibault, and O'Neil voted nay. The motion failed.

Alderman Girard gave notice for reconsideration on the motion to approve the discontinuance of a portion of Harvey Road.

Mayor Wieczorek called a brief recess.

Mayor Wieczorek called the meeting back to order at the site of the second petition:

B. Petition for Discontinuance
A cul-de-sac "Ears" - Megan's Meadow

The board viewed the area of the petition as described by Mr. Thomas. On motion of Alderman Pinard, duly seconded by Alderman O'Neil, it was voted approve and accept the discontinuance.

Mayor Wieczorek called a brief recess.

Mayor Wieczorek called the meeting back to order at the site of the third petition:

C. Petition for Discontinuance
A portion of Page Street

The Board viewed the area of the petition walking the length of the area being considered. On motion of Alderman Pinard, duly seconded by Alderman Pariseau, it was voted to deny the discontinuance.

Mayor Wieczorek called a brief recess.

Mayor Wieczorek called the meeting back to order at the site of the fourth petition:

D. Petition for Discontinuance
A portion of Dartmouth Street

The Board viewed the area of the petition and discussion ensued relative to the area fencing. Alderman Cashin moved to table this item. Alderman Thibault duly seconded the motion. Mayor Wieczorek called for a vote. Aldermen Hirschmann and Girard being duly recorded in opposition, the motion carried.

Mayor Wieczorek called a brief recess.

Mayor Wieczorek called the meeting back to order at the site of the fifth petition:

E. Petition for Discontinuance
A portion of Pellerin Lane

The Board viewed the area of the petition. On motion of Alderman Thibault, duly seconded by Alderman Pariseau, it was voted to approve and accept the discontinuance.

Mayor Wieczorek called a brief recess.

There being no further business to come before the road hearing, on motion of Alderman Cashin, duly seconded by Alderman Rivard, it was voted to adjourn.

A True Record. Attest.

City Clerk