

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

July 9, 2007

5:00 PM

Aldermanic Chambers

City Hall (3rd Floor)

Mayor Guinta called the meeting to order.

Mayor Guinta called for the Pledge of Allegiance, which is lead by Alderman
Smith

A moment of silent prayer is observed.

The Clerk calls the roll.

Present: Alderman Roy, Long, Osborne, Pinard, Lopez, Shea, Garrity, Smith,
Thibault, Forest.

Absent: Aldermen Gatsas, Duval, O'Neil, DeVries.

Messrs: Mr. Frank Thomas, Director of Public Works, Mr. Tom Clark, City
Solicitor.

Mayor Guinta advised 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,

followed by viewing the area of the petitions and determination of the action to be taken on such petitions. Such petitions shall be addressed 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. Anyone wishing to speak must first step to the nearest microphone when recognized and state his/her name and address in a clear, loud voice for the record. Each person will be given only one opportunity to speak and any questions must be directed to the Chair.

Mayor Guinta addressed item A of the agenda.

A. *Petition to discontinue Pamela Circle.*

Mayor Guinta requested that Frank Thomas, Public Works Director, make a presentation.

Mr. Frank Thomas stated thank you your Honor. Pamela Circle is being requested to discontinuance by Manchester-Boston Regional Airport. The road is located off the intersection of Brown Avenue and Hazelton Ave. Pamela Circle was dedicated by a subdivision plan in title subdivision of lot seven and eight dated April 6, 1984. All of the homes along Pamela Circle were acquired by the Airport in order to protect the runway, protection zone, which was associated with runway number six. The Highway Department has reviewed the discontinuance we do support it. Basically when you go there what you will see a driveway into the Highlander Hotel Resort area.

Mayor Guinta calls for those wishing to speak in favor, there were none.

Mayor Guinta calls for those wishing to speak in opposition, there were none.

B. *Petition to discontinue a portion of Elm East Back Street*
 (AKA Manhattan Lane, AKA Harry Theo Drive)

Mayor Guinta requested that Frank Thomas, Public Works Director, make a presentation.

Mr. Thomas Public Works Director, stated as mentioned the petition is for the lay out and discontinuance of a portion of Elm East Back Street. (Also known as Harry Theo Drive) The section that we're talking about is from Cedar Street to Auburn Street. The petition for discontinuance was requested by Michael's School of Hair Design. Elm East Back Street was originally dedicated by a plan of the Amoskeag Companies as a two hundred and twenty-foot long by twenty-foot wide passageway. The date of the plan is unknown but it appears to be earlier than Eighteen-ninety-three. No acceptance of the dedicated acceptance of the dedication or return layout for the Elm East Back was found in the City Clerks records. However it is clear that the street does have public status its open, paved and its been maintained by the City for many, many years. The records of the Highway Department indicate that a sewer line does lie in the portion of the street. This discontinuance would be subject to reserving utilities to cover up the sewers that are in place. The Highway Department supports the discontinuance subject to reserving the utility easements. This would be a petition that we would suggest with our fellow abutters are in agreement to it. However I have received some correspondence of opposition to it you will probably hear it in fair testimony.

Mayor Guinta called for those wishing to speak in favor.

Mr. Clifford Harris 165 South River Road, Bedford agent for Prudential Verani Agency representing Mr. Micheal Kapos, who has his property located at 533 Elm Street and abuts the East Back Street of Manhattan lane as has been known before in the past as Harry Theo Drive. Also, on behalf of the other who owns the back lot, which is the one that's on the corner of Cedar and Willow Street. However, in my research that I have been doing for about two years in trying to find a tenant and find a use for Michael's School of Hair Design at 533 Elm Street, one of the biggest oppositions we've been having is what can I do with this whole area. So the reason we are looking to have area discontinued in that is that so we can combine the two lots, so a developer would come in and look into developing the whole thing. I do have some plans here, recent developers have been looking at wanting to look at and combine the two lots so they can better utilize and better develop that area. This is in accordance with the Gas Light District which is one of the points that we have been looking through to develop for Verizon Wireless Arena, overlay district area. This is in accordance with TF. Moran put this together and accordance with the developers that were interested in developing this sight area. This will really enhance the downtown area of Manchester as far as really beginning the Southern End development of the downtown area of Manchester. We really looked at the developers who have come into town have looked at where J.W Hills is located right now really being the end of development for Manchester on Elm Street. We looked at this next area right next to the Verizon Wireless for development that is done in this area that really would enhance the downtown area of Manchester and further develop the Southern End of Elm Street, and really enhance the City and also enhance the buildings that are down there, currently.

Michael Kapos, 533 Elm Street, Manchester stated good afternoon Gentlemen, your Honor. I own the place for about twenty-three years and approximately three years ago I left that place to go to a bigger space. In the meantime I tried to list

the place or rent the place and every developer that come in they say that there is not enough space to do what we like to do. For almost, November would be three years that I'm out, I can't rent it or sell the place. I pay taxes for the building that is empty for the last three years. And also we have a developer, we have Cliff Harris work for me, for the last two and half years, taxes are going to increase because it will be in better position that it is right now, right now I cannot do nothing until, until we develop something. So a few months ago we decided me and Tony Theodosopoulos to combine the lots together so we have more space for somebody to develop any, anything happen. Thank you.

Mr. David Steelman 792 Maple Street, Manchester stated good afternoon your Honor, Gentlemen. I'm here in two capacities, one I'm here as a citizen and resident of New Hampshire, and I want to speak in favor of this change as a way to put my tax dollars to better use to have this property developed to it's highest and most effective use. My second purpose for being here is, I'm Harry Theodosopoulos' brother-in-law and married to his youngest sister, and I think that Harry Theodosopoulos would be in favor of having the use of this lane put to it's best use for business purposes that will also line up with the interest of the City. Thank you very much.

Alderman Lopez stated your Honor could I ask a question please. The gentleman, it's not plain on the chart here I want to know where East Back Street is here. Is the orange beneath the Manhattan Lane that's East Back Street. What is item thirteen. I just want to clarify in my own mind.

Mr. Harris stated item thirteen as you have here is for the retail centers that will be in the front. That will be good parking for the retail centers that you have right there. As you look at this you have the orange is outlined as being retail as well as residential. First floor would be retail by eighty-four hundred square feet of retail,

the second to the ninth floors we're going to go up to the ninth floors, would be residential we have forty-eight units about one thousand square feet for each unit. And what you're going to have is a total of forty-eight units in there.

Alderman Lopez stated so the areas between like one and six, two and five that is not a street.

Mr. Harris stated between what thirteen and the gray area.

Alderman Lopez stated in the orange area.

Mr. Thomas stated no that's where the building would exist.

Alderman Long stated Mr. Harris the, your conceptual site plan the, Manhattan Lane that green. That is not an island for egression out for parking lots.

Mr. Harris stated right that is an island that they put out too far. It would need to be over, even with the other green line as you see coming up from Manhattan Lane. As it exists right now it is in the middle of Manhattan Lane, that is not where it's suppose to be.

Alderman Long stated okay, if I could follow up your Honor. Are there any intentions to block off any part of this highway.

Mr. Harris stated in the conversation with the developer I've had, no, there is not intention to block it off at all.

Alderman Long stated okay, thank you.

Mr. Thomas Theodosopoulos, 792 Maple Street, Manchester stated good afternoon Gentlemen, your Honor. I own the lot that abuts Cedar Street I'm obviously here in favor of, for several reasons. The first reason being that I believe that well right I'm paying the City about a thousand dollars a year in taxes, I think that if we develop this area you stand to get substantially more in tax revenue. Secondly you would eliminate an eyesore. Thirdly as Cliff Harris has stated, according to the City and the re-overlay district they would like to start from this point South in developing the Gas Light District and attracting people to come in and spend money and hopefully help out the economy for the City. As David Steelman has said, I'm sure my father would be in favor of this. He's own Granite State Fruit Company for fifty somewhat years, he was very generous with the City of Manchester. He was always there whenever the City needed anything from him and I strongly believe he be in favor of this. That is all I have to say.

Mr. Calvin Kapos stated good evening I'm Michael's son-in-law, I've been working with Michael for the past few years trying to lease or sell the property we have at 533 Elm Street. As you can see if you go by there is still a for sale or lease sign there. Lately, in speaking with Clifford Harris, a lot of developers or just anyone looking for the property, it's just not working with that front building and the limited space of parking that we have. So we've been talking, speaking with Tommy in the sight of that, combining the lots would be the best thing for the City and for us to either lease both entities of that property or sell the property and have the buildings come up in the City. I think being right next to the Verizon Center right in that corner it's a wonderful and a great place to build something of that category, because there isn't anything on that corner south of the Verizon Center. We hope soon that now we are trying to do this that more people will have interest in the property and we can see it built up. Right now our building is getting old and we are paying taxes on an old building that is getting dilapidated and is really nothing going on. As Michael mentioned in November will be about three years

we don't want to continue to have an empty building and a building that is going to be falling apart soon within the next few years. Thank you.

Mayor Guinta calls for those wishing to speak in opposition.

Attorney Peter Rotch, 900 Elm Street, Manchester from Mclane Law Firm, stated I am here representing lot 134-5 speaking in opposition. We are the property that in which Granite State Fruit is a tenant, we utilize this road way, this alley in accessing our property. We are not against development, we suggest that this is premature. If you have been given a conceptual plan, this plan was never delivered to our client, in fact a few minutes ago I asked Cliff if I could look at it he said no, because he has not been authorized to let us take a look at it. So I have nothing to say about that. But I think it is premature we are using alley, this is the City giving up a right and I think that this Board should delay any action to this continuance until, A, we have see the plan but till we figure out what exactly is intended. This is a petition to discontinue the whole highway I noticed on my quick look at the conceptual plan I can't tell if that's to be opened up beyond our property or not. That wasn't the petition that's before this Board so I'm concerned about that. I've noted that to Mr. Thomas in his letter so that he was in favor of it provided all the abutters consented, I must say at this point we don't consent. We actually use that alley as access to our Granite State Fruit property. A business that we are involved in hiring people and this is of concern to us.

Mayor Guinta stated in your position, is that consent from all abutters as required to close the street.

Attorney Rotch stated yes sir.

Mayor Guinta stated what are you citing.

Attorney Rotch stated the statutes that, authorizes the Board of Mayor and Aldermen to discontinue a street.

Mayor Guinta stated RSA 231.

Attorney Rotch stated yes 231.

Mr. Tom Clark City attorney stated we respectfully disagree that it requires unanimously consent of all abutters to discontinue a street. You can discontinue the public rights however you cannot effect any private rights if there are any private rights in the street.

Mayor Guinta stated do any private rights exist.

Mr. Clark stated there may be.

Mayor Guinta stated but nothing forthcoming at this moment. Comes with private rights.

Attorney Rotch stated the private right would our right to use the alley. The public right is discontinued that means that the City would no longer have to plow it. We would retain our private right to use the alley.

Mayor Guinta stated the fact that there's other access. How does that, how the fact that other access to that building that does exist, correct.

Attorney Rotch stated yes, it does. It too bad your Honor that we don't have any Supreme Court cases interpreting that there is and we are working that through.

Attorney Clark stated I agree there is nothing on point on this. If we discontinue the public rights, that means the public no longer has the right to use the street, but if the abutters have private rights and he can prove to the court he still has the right to use it.

Mayor Guinta stated that is proven to the court not necessarily to this Board.

Attorney Clark stated correct.

Alderman Shea stated attorney, is that road used strictly for trucks as a private use as well for instance, in other words your discussion has to do for trucking from Granite, the business there, to use access it from Elm Street in a Southerly direction, can they go in both directions I don't think so.

Attorney Rotch stated they can go in both directions in a minute I will let the person who runs the business explain to you how they use it. But, they do use the alley simply as it abuts off property, but they have the ability to go up the alley and some back around and to Willow Street.

Alderman Shea stated is that for trucking uses or is it strictly for deliveries or for pick-ups or for whatever it is that they.

Attorney Rotch stated Granite State Fruit is a distribution company and so there are trucks coming in with materials and trucks going out with the to the customers of Granite State Fruit.

Alderman Shea stated do they park in that alleyway.

Attorney Rotch stated I don't believe they park in it I think they park.

Alderman Shea stated no, they just use that for an egress.

Attorney Rotch stated correct.

Alderman Shea stated there are no restrictions on the size of the trucking or anything of that source, as far as you know.

Attorney Rotch stated no, the restrictions are the size of the truck you can maneuver in and out of the property.

Alderman Shea stated right there is no wiring or anything that restricts.

Attorney Rotch stated I don't believe there is, I'll ask my client and have him address that.

Alderman Shea stated so it's strictly to access the property in terms of delivery and so forth.

Attorney Rotch stated yes.

Mr. William Theodosopoulos 30 Auburn Street Manchester stated good afternoon your Honor. Currently president of the Granite State Fruit and have been for the past few years since my uncle passed away. I'm vehemently opposed with this proposal. Our trucks use this alley every single day frequently as we have since we moved into this location in 1961. To close this alley off would severely handcuff my business, not for just the use of my own trucks, but for those trucks of my vendors and suppliers. Nobody parks in the alley but the width of the alley

is instrumental into getting trucks into my building. When we first started here in sixty-one we had small trucks, trailer-trucks were smaller, now-a-days trucks are much bigger and much longer. The fifty-foot by one hundred lot, I have adjacent to my warehouse is a pretty insufficient to handle trucks just by the size of that lot alone. I need the extra twenty-feet of that alley for my own trucks and for the trucks of my vendors to maneuver to get into my dock. If it were closed it might and like my abutters I pay taxes too. As I said earlier it would be a severe hindrance to have this alley shut off. That is all I have to say.

Alderman Shea stated that was the point of my question to the attorney, regarding the size of the trucking that is coming in now. Because I realize having worked in the trucking industry in my recent past obviously that the size of trucks have compounded situations particularly with building obviously I know the vintage. I thank you for explaining that to the rest of the Board members. Thank you.

Mr. Theodosopoulos stated the standard size of a trailer-truck today is a fifty-three foot box the lot is fifty feet wide. If a tractor has lets say a sleeper cab that makes it twenty-two to twenty-four feet long and a fifty-three foot box backs into my dock jackknife the tractor and still the combined length of the trailer and tractor completed box. If you eliminate access from the Cedar Street side I'm completely hemmed in.

Alderman Smith stated thank you your Honor. I would like to ask Frank Thomas if he would come here for a minute. Do you know the width of that alley I know it's very narrow.

Mr. Thomas stated twenty-feet.

Alderman Smith stated twenty-feet, then my question to the previous one they say they're going to proposed an island in the northerly part of Harry Theo Lane. I don't know how any truck would be able maneuver.

Mayor Guinta stated Alderman it was stated that, that island is on this, not in the appropriate location it should be probably moved toward Willow Street to be inline with this green area under the word Manhattan, if I understood you correctly.

Alderman Shea stated if I'm correct most of your trucks come into Harry Theo Lane and they proceed northerly because Cedar Street is a one-way, am I correct, and out to Willow Street. That's the way your operation. Okay Thank you.

Mr. Theodosopoulos stated some of my clientele comes up Cedar and down the alley.

Mayor Guinta stated if I could just ask you a hypothetical maybe for edification. If this closer does go through, how are you going to have trucks access your building.

Mr. Theodosopoulos stated that's going to be a problem, in the past sometimes we have backed up one of our trucks to one of my vendors trucks to my suppliers truck transfer the load and then my own truck is backup to my dock, and it's a major inconvenience. Some of my suppliers that deliver large trucks have told me outright, cause I've already had this discussion with them. They would no longer be able to send trucks to my building. That's going to increase my operating cost, and increase my overhead. As it is now we pick up almost everyday. I'm going to have to send additional trucks to carry the additional freight. So my cost will go up. The gasoline wear and tear of vehicles and time involved.

Alderman Osborne stated I would like to have a clarification of what we are doing here. Basically all this Board is doing is discontinuing the property for public use. I think basically the rest of it as far who is going to us what I think comes to a court of law, doesn't it Mr. Solicitor.

Mr. Clark stated well with the abutters disagree it will most likely result in some kind of litigation over private rights.

Alderman Osborne stated we really have nothing here to say he can use his truck or he can't use his trucks we're not here to do that. That's mainly up to the abutters how they finish up with it. All we are doing is letting it go forth following and public use. Thank you.

Alderman Long stated this is probably for Solicitor, is the only way to join these two properties is by closing this street. Is there another avenue to do that, without and keeping the street public. Do you understand.

Solicitor Clark stated not at ground level, no.

Alderman Long stated not at ground level no.

Solicitor Clark stated the only way you can attach would be over the street or underneath the street and that would require an easements and stuff.

Mayor Guinta stated and if the street is closed Tom for public use, who then owns the area in question.

Mr. Clark stated the general rule is that it's split down the middle to the abutting properties.

Alderman Long stated one more your Honor if I may. Have there been any closers of streets on conditions, for example on conditions that Granite Fruit Company still has access to this road, is that possible.

Solicitor Clark stated that is pretty much outside of your domain. All you would be doing is just getting rid of the public rights the right of every day citizen to use that alley. It doesn't affect any private rights that any abutter already has on that street, and they could continue to use it and most likely it would end up in some kind dispute.

Mayor Guinta stated essentially if there is a private right the court has to make that determination in the meantime if this portion is closed half essentially the new owners, Micheal's School of Hair Designs owns half and the abutters own the other half.

Mr. Clark stated that is the general rule, it doesn't always happen that way.

Mayor Guinta stated but at which point Granite State Fruit would then have to obtain approval to utilize that.

Solicitor Clark stated you are probably going to generate litigation the City would probably get involved in it also.

Alderman Roy stated question again for the Solicitor, are we overlay zoning and ground level parking. Where does that fall into creation of new parking spaces. The sixty-one spaces on the back part of the property.

Solicitor Clark stated Alderman I can't answer that question I don't know. It's something I would have to talk to Mr. McKenzie about.

Alderman Lopez stated I just want the sixty-one spaces, that's all parking spaces correct. I just want to make sure I'm looking at the right thing. Where is your company is it down in yellow portion, oh you don't have a map. It's 203.1 is Granite Fruit now you do not own the sixty-one spaces right.

Mr. Theodosopoulos stated we are on Auburn between Willow and Manhattan on the North side of Auburn Street.

Alderman Lopez stated so you have three areas that you can get to your business, is that correct am I looking at this right.

Mr. Theodosopoulos stated there is no access to Willow Street because my lot is divided pretty much in half north to south, its one hundred by one hundred the building occupies fifty by hundred and the portion on your drawing by 203.1 is my paved lot.

Alderman Lopez stated okay, I just wanted to get myself.

Mr. Theodosopoulos stated currently my traffic enters Manhattan Lane from Cedar and also from Auburn. If I were to back up a big truck to my building it effectively cuts my lot off, from Auburn Street, so access from Cedar Street is instrumental.

Alderman Lopez stated I'm sorry you mentioned you have your trucks or trailers I guess you said trucks before you might have some trailers. Looking at this where do they back up to your business.

Mr. Theodosopoulos stated can I approach your desk for a second.

Alderman Lopez stated sure.

Mr. Theodosopoulos stated my loading docks are located right along this line here. If you look at your drawing and you see 203.1 with the x underneath it, the loading docks are immediately to the right four in a row. They face Manhattan Lane. When a truck backs up to my building it runs perpendicular to Manhattan against my building, in that portion of the lot there, 203.1. So I have a pedestrian door here and one here and these are all loading docks along this wall.

Alderman Long stated if you were to agree with the owners of the proposal if they agreed with you to give you access would be in favor of this discontinuance.

Mr. Theodosopoulos stated well, I would have to see what type of access, how big of an access am I going to have. Is it going to be the full twenty-feet of the alley, I don't think that's possible.

Alderman Long stated hypothetically if it was the full twenty-feet.

Mr. Theodosopoulos stated well were not just talking access here were talking the value of my property down the road. Currently my property is accessible from both Cedar Street and from Auburn Street, let's say half of that access is eliminated, how does that effect my property value down the road. That's on my mind also.

Alderman Long stated okay, hypothetically they give you the twenty-feet they give you the twenty-feet you come up with an agreement with them and they allow you access on Manhattan Lane the same access you have now, the twenty-feet, twenty-feet of it would.

Mr. Theodosopoulos stated I'd certainly be willing talk. I can't give my approval to a proposal I haven't seen yet. I don't know how they plan on altering it. Obviously that island would have to be removed. I'm planning for my business' expansion in the future. Whatever traffic we have now that can be multiplied by a factor of I don't know what. As it stands now access to my property is pretty good, I've even seen vehicles here that are working with the Arena come up and down Manhattan Lane on occasion. I would like to see a proposal and how it would be modified to suit my needs, and then maybe I would be able to offer an opinion.

Alderman Roy stated I guess just for my clarification, this may go back to the side proposing this. The two hundred and twenty feet is all of Manhattan Lane from Auburn to Cedar and that the request.

Mr. Harris stated the request is really just in the gray area as you see right now from the sewer line all the way up to Cedar Street. As noted earlier you asked for utility easement still in place for access to the sewer line. As we said earlier we are not going to be closing Manhattan Lane all we are asking is to discontinue it so we can combine the lots.

Alderman Roy stated just a simple yes or no. The two hundred twenty feet starts at Cedar and ends roughly at property line of the gentleman to your right.

Mr. Harris stated no alderman, the two hundred and twenty feet begins at Cedar and ends at Auburn. From Cedar to where it ends right there is roughly one hundred feet.

Alderman Roy stated okay, I was coming up with two different numbers, and now it's two twenty and I was coming up with a much smaller number for that gray area. Thank you.

Mr. Harris stated right your lot size is, this is one hundred by one hundred so it's one hundred and twenty-feet, from Cedar to wherever it end is one hundred and twenty feet.

Mayor Guinta addressed item C of the agenda.

C. Petition to discontinue a portion of Litchfield Lane

Mayor Guinta requests that Frank Thomas, Public Works Director, make a presentation.

Mr. Thomas stated thank you. Before you now is a petition to discontinuance a portion of Litchfield Lane starting one hundred and forty feet west of Chestnut Street and extending two and twenty-five feet in a westerly direction. That's shown on the plan that's included on your agenda. This portion of Litchfield appears to have originally laid out by Amoskeag Company as a twenty foot back street and accepted by the City on August 25, 1852 and recorded in the highways and streets, Highways, Streets, and Bridges book in the City Clerk's office. Manchester Housing Authority latter widened the alley to total width of thirty feet in 1960. The Highway Department does support this discontinuance if an

easement is reserved across the former back street for existing and future utilities. There is a sewer line and electric line in that street. Thank you.

Mayor Guinta called for those wishing to speak in favor.

Mr. Elias Ashooh, 83 Gilhaven Road, Manchester stated good evening, we are here to speak in favor and offer any information we can about seeking this partial discontinuance of Litchfield Lane. Litchfield Lane runs in between two properties owned by Mr. Botnick and Botnick Ventures. E & R Dry Cleaners, which has an active retail store and now unused dry cleaning plant on that side. In addition they own the properties on Lake Avenue from Chestnut Street down to not included Indian Head Athletics. The purpose in seeking this discontinuance is to allow the properties to be joined where these lot lines meet and to be able to take down these unattractive, unused, unheated and unsprinkled on Lake Ave. In doing that, that would allow us to take those buildings down, create some surface parking that would again support the E & R retail store that still exists and is very active on Central Street, and give us the opportunity recognizing that the City puts a real value on the potential of this cite, to proceed with a much more delivered development plan. At this point we're not sure what the footprint ultimately would be there. What we could do at that site, so in the interim taking care of these unattractive buildings creating some additional parking there, that in speaking to all the abutters they seem to be in favor of having the buildings down and more attractive site lighting and like seems to me it would be benefit to the remaining abutters on that site. Botnick Ventures will not close this Lane access for the other abutters is going to remain in effect and E & R Dry Cleaners would maintain and plow that right of way.

Alderman Osborne stated yes, this does not include the restaurant Athens, this becomes like a dead end right.

Mr. Ashooh stated no sir, it would, the road would still be clear passage from Chestnut Street to Manhattan Lane behind George's clothing, this would simply allow us to join the two lots with Lake Avenue and Central Street together. The restaurant, Athens Restaurant, and I think it's called, Abrageens, the nightclub on the corner as well as Christo's and Nixon, Raiche would still have full access to that alley.

Alderman Osborne stated I see you have both ends in other words you are right in the middle.

Mr. Ashooh stated both ends are opened but.

Alderman Osborne stated both ends are opened, they become dead end on both ends.

Mr. Ashooh stated no, what you are looking at we sought the Highway Departments advice and where the discontinuance boundary should be, so what you are seeing is basically where the discontinuance is but it still a clear road all the way through there.

Alderman Osborne stated but you still want to combine these two business' the one on Lake Avenue is it and the one on Central Street.

Mr. Ashooh stated correct but the alley would remain in existence.

Alderman Osborne stated if there still going to be an alley what are you combining. I don't understand.

Mr. Ashooh stated we are combining the two sites and still allowing traffic up and down that lane.

Alderman Osborne stated it's a wash type situation here.

Mr. Rick Botnick, 150 Spruce Street, Manchester stated Currently the properties are owned by two separate entities. The Central Street property is owned by E & R Dry Laundry and Dry Cleaners which is a division of Botnick five and the properties on Lake Ave are in a trust called FACO. Two separate owners there we are looking to combine the ownership of these two lots.

Alderman Osborne stated but if you decided you wanted to build here what would stop you.

Mr. Ashooh stated I don't think anything would stop other than would you achieve the best value kind of having a kind of figure eight piece of property at this point, You are talking about an unusually shaped property to develop and if you would my understanding is that you could abridge someone's legal access to their property.

Alderman Osborne stated but seeing you own both sides, like you say if you take it to a court of Law there is not abutter. You're the whole abutter then because the land in between was discontinued.

Mr. Thomas stated that me a question for the City Solicitor, my understanding in talking to Planning and Highways that you can't restrict access you can't just block that off, if somebody has the ability to access that so. A future development plan would be based on what we can do to assemble additional sites in the future.

Mr. Clark stated this similar to your last one, they are asking you to discontinue the public rights in the back alley. What that would do, it would no longer be a public street, they're saying that they are going to allow private access still over it and are going to maintain it. Your actions do not stop any private rights that may exist in that street, if the other abutters had private rights and that they maintain those.

Alderman Osborne stated what I was trying to say they own both sides of that so if they wanted to build there someday they could, right.

Mr. Clark stated you could, but it's practical matter I don't think it's practical to do that at this time.

Alderman Osborne stated all right, thank you.

Alderman Roy stated I would just ask that the head of our Planning Department just gives us a one-paragraph report of what that does to the overlay, Arena overly regarding parking for both of those properties we just reviewed.

Mayor Guinta calls for those wishing to speak in opposition.

Attorney Paul Kfoury from the firm of Wiggen & Nourie, Manchester, good evening, I'm here and was hoping to be here with the principles of the Athens, who happened to be away a few days ago during the Holiday and got stuck in Seattle, his plane was unable to bring him back to New Hampshire for this evening. He was hoping to be here with me. We're not opposed to this proposal, we are concerned about the proposal and we think that the proposal at this moment in time is perhaps a bit premature. I've asked the principle of the petitioning company what it is that he has in mind and the response that we have received is

we simply don't know. And I would suggest to you folks that it might be best to find what sort of development is going to be there, which may very well indeed be the interest of the City. Prior to discontinuing the road or the Litchfield Lane the alleyway as we know it. There were concerns, there are concerns not oppositions and I want to be clear and don't mean to waffle, you know it's not up or down here for the principles at the Athens. They certainly want to be good neighbors and they certainly have been excellent citizens of this community for many years and they want to cooperate with Rick in his development. We'd like to know more about the development and we think that it might behoove the City officials to know about the development before any final vote is taken with regard to this continuance.

Alderman Shea stated thank you Attorney if by way of developing this they knock down the two buildings, I think Alderman five was going in this direction. They had permission to knock down the building on Lake Ave and the building on Central, they could put a structure there that would include this particular area, if it were discontinued, is that your understanding as well.

Attorney Kfoury stated I'm not quite sure Alderman, because there is a reservation of the easement the utilities and the other easements. And so that would be a concern I would think to the developer and indeed to the City, I'm not quite sure. Is it possible, sure, it's possible and how the issue of the utilities might be addressed within that. I think that the Athens folks who have parked, as all of you know I think most of you know them. They've parked there and they have truck much like Billy's company, Billy Theos company they've got trucks coming in and out. And the concern and I've mentioned to Rick, if there is going to be an assurance with regard to parking and access, perhaps we would speak with them a license or an easement or some combination in order to preserve the rights the

private rights as the Solicitor has mentioned of the folks at the Athens and I think it would inure to the benefit of the other adjacent owners as well.

Alderman Shea stated right, but this continuance would mean that they would have legal rights to refuse trucks to go through there, if in fact they were given this. Is that correct.

Attorney Kfoury stated I think that's correct.

Alderman Shea stated is that correct Tom.

Mr. Clark stated depending on what private right may exist.

Attorney Kfoury stated the request in this case does not end at the E & R line it extends into the Athens property as the Solicitor mentioned a moment ago the rights then inure to benefit of the adjacent owners up to the central line. So then it becomes something of a legal issue. I don't know we really don't know.

Alderman Shea stated uncharted waters, thank you.

Alderman Osborne stated just one follow up your Honor. I'm a little confused here I guess I don't know. Anyway, the only reason why you are discontinuing this is because they want to use it for their own parking, is that it right now. There is no other reason why discontinue it in the first place. What's the reason.

Attorney Kfoury stated Skip mentioned that they would like to do parking on a temporary basis until they have finalized the development plan. My suggestion is we might have the cart here before the horse. What we really ought to see is what is the development plan. But yes the answer to your question is, yes, that is what

they have told us. That they would like to use for parking, the area for parking on a temporary basis.

Mayor Guinta advises that a motion is in order to recess made by Alderman Pinard and duly seconded by Alderman Long the hearing and to view the areas of petitions presented.

UPON VIEWING

Petition to discontinue Pamela Circle.

Mayor Guinta called the meeting back to order at the site of the petition. Members of the Board viewed the area as described by Mr. Thomas.

*Petition to discontinue a portion of Elm East Back Street
(AKA Manhattan Lane, AKA Harry Theo Drive)*

Petition to discontinue a portion of Litchfield Lane

A true Record. Attest

City Clerk