

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

**February 20, 2008
Mayor and all Aldermen
City Hall (3rd Floor)**

**6:00 PM
Aldermanic Chambers**

In the absence of Mayor Guinta, Chairman Lopez called the meeting to order.

Chairman Lopez called for the Pledge of Allegiance, which was led by Alderman Ouellette.

A moment of silent prayer was observed.

The Clerk called the roll.

Present: Aldermen M. Roy, Gatsas, J. Roy, Pinard, O'Neil, Lopez,
Shea, DeVries, Garrity, Smith, Ouellette

Aldermen Sullivan and Domaingue arrived late

Absent: Mayor Guinta and Alderman Osborne

Chairman Lopez advised that the purpose of the road hearing is to hear those wishing to speak in favor of or in opposition to a proposed street acceptance and dedication petition, as well as proposed street discontinuance petitions, followed by viewing the area of the petition and determination of the action to be taken on such petition. 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, and when recognized state his/her name and address the Chair 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.

A. *Petition for acceptance and dedication of a portion of Cartier Street.*

Mr. Kevin Sheppard, Public Works Director, stated this petition is to accept a portion of Cartier Street. We have reviewed the petition to accept 75 feet of Cartier Street. The petition extends the street northerly from its current terminus north of Hecker Street. It's a dead end in this location. The street is currently paved. If you are not familiar with the area, this is in the area behind West High School. The area is currently paved and it dead ends currently. If the Board chooses to accept this, the Highway Department recommends the City accept the portion of Cartier Street with the following provisions: The right a way would be increased to 50 feet matching the aligning of the street south of this location, and the pavement would be increased to match the alignment of the paved street south of this location.

Alderman M. Roy asked Kevin, who is currently maintaining the pavement? Who put it there and could you elaborate on how long those parties have been taking care of it?

Mr. Sheppard stated I am sure the Highway Department plows up to the end of it even though it's unaccepted. It's actually an extension of the accepted street so I am sure we are plowing up to the end of the street right now. I would have to take a look at the cover sheet. Our cover sheet typically discusses the history on the street itself. I believe the petitioner is here as well as his attorney. Our cover sheet to the CIP committee discusses that on September 6, 1916 this section of Cartier Street was part of a street discontinuance by the Board of Mayor and Aldermen. That action was recorded at Department of Highway, Streets and Bridges, Book 9,

page 101. The street may have been paved for a long time and at one time it was discontinued and now the petition is to accept it again.

Chairman Lopez called for those wishing to speak in favor.

There were none.

Chairman Lopez called for those wishing to speak in opposition.

There were none.

B. *Petition for discontinuance of a portion of Second West Back Street.*

Mr. Sheppard stated this is a small section of Second West Back Street. It runs parallel to Second Street. We have reviewed the referenced item and have found that this portion of Second West Back Street is paved and a building located on the street has served as a retail store for a number of years. Because it was probably used by the public for over 20 years, the City may have acquired public status by prescription and I believe that is why we are here tonight. The Highway Department, should the Board of Mayor and Aldermen choose to discontinue it, would agree with the discontinuance action reserving easements, any easement rights for any utilities that may exist in the street.

Chairman Lopez called for those wishing to speak in favor.

Donald Levassuer, 81 Port Street, stated:

I live at 81 Port Street, directly in back of the Clam King and I own all the properties surrounding it, different LLC's, and I have been maintaining it since 1981, basically plowing and I even had the back alley paved about four years ago, so I just thought it would be easier for me to own it. I am there with a couple of variances because it was right on the line of the street, the back alley, so that's

why I had to get a variance to build that property in 1984, so it has been a long time.

Chairman Lopez called for those wishing to speak in opposition.

There were none.

C. *Petition for discontinuance of a portion of South Willow Street and a portion of Harvey Road.*

Mr. Sheppard stated this is a section of the old South Willow Street in the area where the airport runway extension was put just south of the Harvey Road Fire Station. The Highway Department supports this discontinuance request by the Boston Regional Airport.

Alderman M. Roy asked Kevin, this construction has been completed for a year, year and a half now, right?

Kevin Sheppard responded it is actually still under construction, but they have started, correct. It's open, correct.

Alderman M. Roy asked and we are viewing this today?

Kevin Sheppard responded I spoke to Rich Fixler who is here from the Airport. I know there is a history and I believe Kevin Dylan had actually approach the Board of Mayor Aldermen in the past regarding this before moving forward with that project and perhaps at the site or right here, you may want to speak to Rich Fixler regarding that.

Alderman M. Roy stated it seems strange that it's a road that's well traveled; it's constructed. I believe there's a runway on the part we are discontinuing. It seems a little late in the day, and no offense, a little bit of a waste of time. If this is clearing up something that should have been done two years ago, then that's fine, but I don't need really an explanation. If it's lost in City government, that's fine.

Kevin Sheppard stated I think maybe Rich can give you just a quick...

Mr. Richard Fixler, Manchester Boston Regional Airport, stated Alderman, just to address your concern, Kevin Dylan was here to address the Board of Mayor and Aldermen prior to proceeding with the project, and I was here to address the Planning Board as well. We had to build the new road before we could abandon the old road so the project had to move forward. We couldn't abandon the new road before we started construction because we had to have the new road in place. So it was sort of a timing issue more than anything, which is why we made the effort to let everybody know what was going to take place.

Alderman M. Roy stated I appreciate that, and any way we can help the Airport, you know we will.

Chairman Lopez called for those wishing to speak in favor.

There were none.

Chairman Lopez called for those wishing to speak in opposition.

There were none.

*There being no one further wishing to speak on motion of **Alderman Smith**, duly seconded by **Alderman Shea**, it was voted to recess the meeting to proceed to view the areas of the petitions. Members of the public present were so notified.*

UPON VIEWING

Item 4A

Petition for acceptance and dedication of a portion of Cartier Street.

Chairman Lopez called the meeting back to order at the site of the petition.

Mr. Sheppard advised the Board of the area petitioned. The Board viewed the area.

Alderman Smith moved to approve the petition for acceptance and dedication of a portion of Cartier Street upon acceptance of written communication from the Public Works Director that the following conditions have been met: The dedication be expanded to a width of 50 feet to match the public portion of Cartier Street abutting the dedicated parcel for which acceptance is sought; and the travel portion of the dedicated parcel be paved to Highway Department specifications to match the paved width of the abutting public portion of Cartier Street. Alderman Roy duly seconded the motion. There being none opposed, the motion carried.

*There being no further business at this site, on motion of **Alderman Smith**, duly seconded by **Alderman Shea**, it was voted to recess the meeting to proceed to the next area petitioned.*

Item 4B.

Petition for discontinuance of a portion of Second West Back Street.

Chairman Lopez called the meeting back to order at the site of the petition.

Mr. Sheppard described the area of the petition. The Board viewed the area.

Alderman Smith moved to approve the petition for discontinuance as presented subject to reserving any utility easements as may be required. **Alderman Shea** duly seconded the motion. There being none opposed the motion carried.

There being no further business at this site, on motion of Alderman Smith, duly seconded by Alderman Shea, it was voted to recess the meeting to proceed to the next area petitioned.

Item 4C.

Petition for discontinuance of a portion of South Willow Street and a portion of Harvey Road.

Chairman Lopez called the meeting back to order at the site of the petition.

Mr. Sheppard described the area of the petition. The Board viewed the area.

Alderman DeVries moved to approve the petition for discontinuance as presented subject to reserving any utility easements as may be required. **Alderman Shea** duly seconded the motion. There being none opposed, the motion carried.

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

A True Record. Attest.

City Clerk