

COMMITTEE ON LANDS & BUILDINGS

April 4, 2000

5:45 PM

Chairman Cashin called the meeting to order.

The Clerk called the roll.

Present: Aldermen Cashin, Gatsas, Levasseur, Shea, Thibault

Messrs: R. MacKenzie, R. Gosselin, T. Brown

Chairman Cashin stated if it is agreeable, I would like to address Item 5 first.

Communication from the Manchester Police Athletic League requesting assistance in locating a field in the City for their Lacrosse program.

Mr. Brown stated the Police Athletic League is a non-profit organization designed specifically to bring activities free of charge to the youth of Manchester. Lacrosse is a program that we started due to the kids expressing an interest during the spring that didn't play baseball, softball or other spring sports. Lacrosse is a spring sport and we have grown by 200% in one year. We are up to 124 kids. We started a girls team and presently we play our home games at the Derryfield School. For a little background with the field situation, we had sought a field to use as a practice field and a game field and we had a little difficulty. Obviously, this is a very active City with spring soccer and fall soccer and we had a hard time securing a field. Mr. Ludwig helped facilitate a meeting, as did Dennis Stone, the athletic director for the Manchester Boy's and Girl's Club because our program is a partnership with the Boy's and Girl's Club. What has happened is the Police Athletic League has purchased most of the equipment or all of the equipment for the kids who can't afford to play. That means sticks, cleats, shoulder pads, and arm pads. It is a sport that requires a lot of equipment, but it is not as expensive as hockey and football. We have purchased the equipment for the kids who couldn't afford to and we have asked some of them who could afford it to purchase their own equipment. That is why we have grown. We have had to turn some kids away this year just because of deadlines and we got so big that to make it organized and fair for the kids who have been here we just could not deal with the growth. In future years, I anticipate the same thing and that is where the problem lies. We have a U10, U12, and U14 team for boys. We have a U14 girl's team and a high school team which opens tomorrow in Concord. We are playing a JV schedule. We have kids from Central, Memorial, West and Trinity. It is coached

by Jay Donovan who used to be the assistant coach at Pinkerton. We are definitely growing. We have something right now but it is not something that we know for sure if that relationship will be there in the future. Manchester United has been gracious enough to accept us right now in a field over on the West Side by Kelly Fall Apartments. Right now they have exclusive rights to that field. They have sunk some of their own money into improvements and have verbally accepted us. I don't know if they grow if we are going to be bumped out of there eventually. We are growing and we are coming to the table. We are trying not to be a burden. We have a fundraising mechanism. The parents want to be involved and people want to make a commitment and bring something to the table whether it is funding, etc. We have been very lucky with Coca-Cola. They gave us a scoreboard. We sent them a letter and they gave us a scoreboard that we can share. We are trying to find a partnership and more or less a similar agreement as we have with Manchester United. If we can have some room over there and whether P.A.L. pays for it or the parents pay for it but we want to try and find a partnership and make this work. You have a lot of kids in the City who want to play this sport. It is a fun game.

Chairman Cashin stated my understanding is that you have a place to play this year. Is that right?

Mr. Brown replied yes. We are playing over near Kelly Falls Park at Manchester United's home. We have two fields. They are definitely playable. It is their two worse fields, but we are thankful that we have anything right now. The dirt situation over there doesn't seem too conducive to grass, but that is a place that is very doable. There is a lot of potential in that field and we are just looking long-term to secure something that technically could be ours for three months. The lacrosse season would run from April 1 through the middle of June.

Chairman Cashin stated so you are all set for this year and ready to go and you are asking us if we could put it in our long range plan for next year to look at something that you guys might have for your own. Is that right?

Mr. Brown replied exactly. Somewhere that could be ours and we could help with funding some improvements and create a partnership, which could be a home for Manchester Lacrosse or P.A.L. Lacrosse. It has grown and I think it would be nice to have a home.

Alderman Shea asked what are the dimensions. Is it the same as a football field?

Mr. Brown answered it is almost the same. Right now we are playing...they changed the rules. Before they wanted our field to be like the NCAA which had to be 110 yards long and 60 yards wide. Now there is what is called a federation

rule, which makes it less restrictive. It can be 100 yards wide and it is either 53 ½ wide or 57, but it can be shorter. It is a smaller field than the college plays on because some towns and cities have trouble coming up with a field that meets college regulations.

Alderman Shea asked how long is the game. It is four quarters.

Mr. Brown answered it depends on the youth. It is four quarters and the youth play 10 minutes and as they get older than can play between 12-15 minutes per quarter.

Alderman Shea asked so you would need the field for games and practices.

Mr. Brown answered yes, especially now that we have a girl's team going and we anticipate starting a younger girl's team too. There have been so many kids that we have had to turn some of them away just due to the growth. Our biggest problem is the field use and we are extremely grateful to have what we have. We just don't know if that field...we have an agreement with the Derryfield School that let us play when they are not using it and we don't know how much longer that is going to last.

Chairman Cashin stated I would like to thank you for taking this on. You guys are doing a good job. The City will do everything they can to work with you. I can't promise you anything right now. I know this went to Parks & Recreation, but I would entertain a motion to send it back to them and tell them to put it in their long-range plan.

On motion of Alderman Shea, duly seconded by Alderman Thibault, it was voted to refer this item back to Parks & Recreation and ask them to put it in their long-range plan.

Chairman Cashin addressed Item 3 of the agenda:

Requests (2) to purchase city-owned properties on Riverdale Avenue at (Tax Map 680, Lots 5 & 5A) and (Tax Map 680, Lot 1 and Tax Map 681, Lot 4).

(Note: Director of Planning recommends the parcels not be determined "surplus" and suggests the Committee may wish to consider "land banking" these parcels.)

Mr. MacKenzie stated these are parcels that have been looked at before by development interests. There are two parcels right off the river. They are nice wooded parcels. The bank goes right down to the Merrimack River. You will

note that there are two letters in here actually. One is from the person looking to buy them and then an abutter who is saying I like the open space and if you are going to sell them I want to buy them as an abutter. I believe that these properties are important to the City for a couple of reasons. We are now under agreement with the EPA in terms of our entire sewage system and part of that is an agreement to maintain stable banks on the Merrimack River and certain other rivers so encouraging additional development along the stream banks may not be consistent with that agreement and order. Perhaps more importantly though, these are parcels that are used by the neighborhood, particularly the houses on the East Side of the street that have no access to the river. They use this as an amenity. It does add value to their property and their quality of life. As such, it was our recommendation that these should be kept by the City in open space under the control of the Conservation Commission in order to insure that the quality of life in that neighborhood is protected. That is why we recommended it.

Alderman Thibault asked doesn't the State mandate that you must have open access to the river every so many 1,000 feet, 100 feet or whatever. I know on the Piscataquog River there is. I have a place there. There were two different parcels that nobody could buy. They were like 40' right-of-ways into the river. I am wondering if this falls into that.

Mr. MacKenzie answered I know the State definitely encourages access points along the rivers and ponds, such as these. I am not sure if it is mandated, but I know that it is strongly encouraged.

Alderman Thibault asked do you think that there is anything that the City or State might do with this land. Is that what you are thinking?

Mr. MacKenzie answered well ultimately they are both very nice pieces of property right on the river. People use them already in the neighborhood. They bring their kayaks and boats down. They bring their kids down to the edge of the river and it is kind of used as a neighborhood park right now. I guess I felt that it is a reasonable continuation. They are useful for those neighborhoods just to be able to get to the river.

Alderman Levasseur stated I would like to see this put back on the tax roles. The City needs money and if we keep taking away little pieces of property...we keep hearing how flat the tax base is and it seems to me by adding this property to somebody else's property it is going to increase the value and bring in more money. I look at the slope of that and it is not easily accessible by anybody. It was having taxes paid on it already and it was taken back because they weren't paying their taxes so it is not like it has been in that kind of a use before. If somebody wants to purchase our land and our property, it just goes to the value of

their house and it will jack their property taxes up and give us more money to use for things that we really need. That is my suggestion.

Alderman Shea asked how much would it add.

Mr. MacKenzie answered I haven't seen any report on these parcels. The City could earn some money on the sale of the property and some money on the property taxes. Balancing against that is the fact that the value of those houses on the West Side will depreciate a little bit because they no longer have river access. If you know about water frontage properties, those that have some type of access to it are much more valuable in the long run. This would cut off access for a dozen or so homes on the East Side. I don't know how you gauge that dollar line, but there is a dollar impact if you take away the river access.

Alderman Gatsas asked when did the City get this land.

Mr. MacKenzie answered I believe it was somewhere between three and five years ago.

Alderman Gatsas replied I certainly understand where you are coming from, Mr. MacKenzie, in terms of your final statement that we should be preserving real estate property as an access to the riverfront. I don't think that the City has been put in a position to hold onto a piece of land to increase value of other properties and let them use it as a private park. I don't know what...obviously there has to be some liability if you let people put their boats in there or have picnics. Do we have a liability issue there?

Mr. MacKenzie responded there is probably some liability, which would be the same as other parks.

Alderman Gatsas stated but this is not a park. We are acquiring liability and it is not a park.

Mr. MacKenzie replied the City's general liability covers both parks and other public lands.

Alderman Gatsas stated I guess we would need to see and we have a price on one of the other parcels but I would like to know what this one is worth. Obviously, it seems like it is larger and we should get a price on it. If there is somebody who wants to buy it and if we don't have a reason to...if you said to me because it is a buffer zone or because it is this or that but just because we are looking to add value to people's property in the neighborhood, I don't know if that is a legitimate situation for the City to be in.

Mr. MacKenzie replied then it is up to the Board of the Committee to decide, but it is both an issue of stabilizing property values and quality of life. A lot of those people moved down there because they said oh wow that is a piece of City owned property and I can go down to the river from there. That does add value to the buildings, particularly ones that don't have any waterfront frontage.

Alderman Gatsas stated so if everybody in that neighborhood moved in prior to five years ago they wouldn't have had that access so that statement might not be true.

Mr. MacKenzie replied one of those properties if you notice on the deed, you don't have a tax map and one was identified as a river landing back when the properties were actually subdivided back 100 years ago.

Chairman Cashin stated I have no problem getting the value but I feel that we ought to try to retain as much open space as we can along the river. I think it is beneficial and I think that in the long run we will wish we had kept it. That is my personal opinion.

Alderman Shea stated I was taken aback by your concern about the EPA and the riverbank. Could you define that?

Mr. MacKenzie replied sure. As you may know, the City was under order to correct a CSO problem, the combined sewer overflow. Part of the ultimate agreement that saved the City roughly \$50 million was the fact that we would have to take special care of our riverbanks and a portion of the agreement money, I believe it was \$500,000, was to be used by the City to stabilize existing development problems along the riverbank. It was part of the entire agreement that the City would start handling some of the riverbank erosion.

Alderman Shea stated so what you are saying is that if we own we would have to maintain it in a suitable manner in order to fulfill the obligation under the agreement.

Mr. MacKenzie replied I guess what I was saying was that if we sell it for development purposes it may somehow go against the agreement. If we keep it in a natural, vegetative state then that is consistent with the agreement.

Alderman Gatsas asked across the street from this there is an additional 18,000 square feet that the City owns.

Mr. MacKenzie answered there are scattered parcels along that area. I would not have an issue with perhaps selling some of those other parcels.

Alderman Gatsas stated I am just looking, it says these two unbuilt riverfront parcels along with an additional 18,000 square feet of unbuilt City land located nearby on the East Side of Riverdale Avenue currently serve as a modest neighborhood green space providing important buffer lands. There is an awful lot of stuff down there. 18,000, is that a flat piece?

Mr. MacKenzie replied if I remember and I don't have the map of that particular area but there are some wetlands on that. There are wetlands from Pine Grove Cemetery along this area and then it cuts under a bridge.

Alderman Gatsas stated a gentleman was just in here looking to put his lacrosse field somewhere and if he wants to go in and clean it up and fix it...I mean I am looking at 18,000 square feet and that is certainly more than the 6,000 feet that he needs.

Chairman Cashin replied that is why I like to keep open space, just for these reasons.

Alderman Gatsas asked could you get us a list.

Chairman Cashin stated all we need is a map of all of the land that we own along the river down in that location and where it is located.

Alderman Gatsas stated I was going to ask for a list of everything that the City owns. Some sort of inventory and I don't know whether it comes from Planning or another department, but some sort of inventory of what the City is sitting on and maybe it should come from the Assessors that tells us here are the pieces and here is what they are worth.

Mr. MacKenzie replied the tax deeded listing of properties is something that the City has not checked up on. A few years ago we tried to get together and send a recommendation on all of the old tax deeded properties. Most of them are junk property. Most of them are slivers that people didn't want. There was a list developed, but I am not sure what the status of those are. That was done maybe five years ago and Joan Porter may have that information.

Alderman Thibault stated if I remember there were a lot of slivers that were like 20' wide that nobody wanted to buy because then they would have to pay taxes and they couldn't do anything with it.

Alderman Gatsas replied may be should get a hold of the abutters and split them down the middle.

Mr. MacKenzie responded a lot of them were recommended to do that. I know that it takes time. We have dealt with three or four of these properties in the last two years. It takes literally hundreds of hours of staff time to work on each one. There are hundreds. We will get a list from Joan Porter to show you what those are.

Alderman Gatsas stated I don't want to ask the question of why it takes 100 hours to split a sliver down the middle and say give half to him and give half to him.

On motion of Alderman Thibault, duly seconded by Alderman Levasseur, it was voted to table this item.

Chairman Cashin addressed Item 4 of the agenda:

Request to purchase city-owned property at Tax Map 750, Lot 11.

(Note: Director of Planning recommends the parcel be "land-banked" as a natural preserve and buffer area between a residential neighborhood and encroaching industrial lands.)

Mr. MacKenzie stated I believe that Mr. Gosselin is here.

Mr. Gosselin stated I made color copies outlining exactly the properties that we own. It was stated in the Planning letter that the abutters, meaning myself and my wife, own the industrial land. Well, it is true that we own the abutting industrial land but we also own the abutting R-IB land, which is outlined in blue. The line that runs through these, we own that property. That is the zoned boundary line.

Chairman Cashin stated you own all of this yellow and the blue. Is that what you are telling us?

Mr. Gosselin replied correct and the pink is the one in question. It is a very severe, steep slope and recently between myself, the Manchester Highway Department and the Wetlands Board, we stabilized all along the South or along Gosselin Road. All of the catch basins on Goffs Falls Road drain to my property and it was eroding almost 32" per year into the pond. That was all maintained and stabilized. It was taken care of with the cooperation of the Wetlands Board and with their approvals. Also, we ended up...Gosselin Road right there was only one lane wide. You could only pass one car at a time. It was a very severe slope and with a lot of finagling with fills and cuts and so on, we ended up widening it out to two cars wide with the help of the Highway Department. That property was taken

for back taxes, I think, about five years ago. I spoke to the owner and they bought it when land prices were high in the 80's under the assumption that they could build a house there. The problem is that the only way they can do it is by putting in a septic system. You need 23,000 square feet to put in a septic system. My thoughts on buying this land is I have a deeded right-of-way from Sargent Road to access the R-IB land and it is also shared by the owner of Lot 12, which is the little square between the I-1 and the R-1B. Now they use the deeded right-of-way, but that is not really a terrific access because it goes across commercial land and that is going to be developed some day. Basically, the only access to this property is through commercial land, which I am sure is frowned on. My thoughts were to cut in a driveway on Gosselin Road and create a plateau at the top of this land and leave the bottom wooded as kind of a separation because the cut in driveways off of Pond Drive...you know it could be done but it would be very expensive and it would require a lot of slope stabilization. In plain English, it would look like hell. By maintaining the tree slope and I have already done quite a bit of work in maintaining that slope and packing loam in there and so forth and fabric to try and get some stabilization, accessing it from Gosselin Road would almost end up, if I created a plateau at the top of a flat driveway into this property...my intentions were as to what myself and my wife were going to do right now, we are both living in South Manchester and have been for the past 20 years. We had talked one time of building a house and moving out there when we bought the land. We still haven't gone through the subdivision process and cleared all of the hurdles, but I figured this would be the first step to see if we could acquire this land and at what price. We went down today with Alderman Vaillancourt and the erosion that is taking place...I mean in the letter it says may or may not be. It seems to me that...I saw the sander on the catch basin but it looks to me like it would show a lot of the street and there is no indication whatsoever of any sand coming down that slope whatsoever and I said maybe he has a point. I talked to Dave Beauchesne yesterday and you can talk to Bruce Thomas at Highway or any of the abutters over there. They all know me. They all know my name. I have always told them that if they have any kind of a problem they can call me and talk to me and we will work it out. I have gone down there myself personally several times this winter and cleared those catch basins of ice and snow to correct the run off problems because if it doesn't hit those catch basins, it is going to overflow the properties on Pond Drive. I am very, very well aware of the erosion problems over there.

Chairman Cashin asked have you seen the appraised value of the land over there.

Mr. Gosselin answered I think it was \$30,000.

Chairman Cashin stated I have a number of \$34,300.

Mr. Gosselin replied which is why they gave it up. It is virtually an unbuildable house lot and will be unbuildable until such time as the...

Chairman Cashin asked would you still be interested at that price.

Mr. Gosselin answered no.

Chairman Cashin stated that is what our Assessors have assessed it for.

Mr. Gosselin asked just recently.

Chairman Cashin answered I just got this now.

Mr. Gosselin stated well I would have to discuss it with my wife, but it is a viable point even though we do plan on using that lot for access to the rest of the R-1B.

Alderman Gatsas asked how many square feet do you own in the R-1B section now.

Mr. Gosselin answered offhand I would say 40,000. That is just an assumption. I don't have the numbers right in front of me.

Alderman Gatsas asked if you put those two lots together, you could subdivide and put those two lots together. Right now, you can't build on the 16,700.

Mr. Gosselin answered you can't build on the 16,700 unless you connect to City sewer and there is no City sewer.

Alderman Gatsas stated what I am saying is that if you have 40,000 and you need 23,000 for a septic system, that gives you enough to put both pieces together and get two building lots out of it.

Mr. Gosselin replied correct. First, I would have to go through the subdivision process and frankly I don't know what the Planning Board would say about access from Gosselin Road, etc., although if you look at the alternatives it is either access that land from Gosselin Road or access it from Pond Drive.

Mr. MacKenzie stated just to review our issues again and I know that our staff spoke with Mr. Gosselin about it, we are concerned about neighborhood protection and insuring the property values and quality of life in that small neighborhood. We were primarily concerned about that entire parcel and you will see photographs in the package that we have taken. It is a steep lot. It is a wooded lot. There have been erosion problems in the area in the past and again to the credit of

Mr. Gosselin he has worked with the Highway Department in taking care of some of the erosion problems. The Highway Department put a draining system in there and it has worked very well since. I am somewhat concerned for two reasons. One is that on the top of this hill Mr. Gosselin runs a materials yard.

Chairman Cashin asked what is a materials yard.

Mr. Gosselin answered on the two lots, Lot 3, that is where we have our shop area. We have our shop area and a 7,200 square foot building over there and Lot 4 is basically vacant land that we have stockpiled enough gravel to do that whole lot. We are looking into development this lot. I worked out something with the Little Folk's Daycare right around the corner and we did a land swap to increase that access from Sargent Road because it was such a narrow access. We have plans on developing this lot and putting another commercial building in there at some given point in time, but like I said the reason I am here is to access this...a materials yard yes we basically have gravel stockpiled over there and we have loam stockpiled.

Mr. MacKenzie replied our concern was that this does serve as a buffer. There is an elevation difference from the little neighborhood up to this materials yard, but this does serve as a nice wooded buffer. It is a very steep area and very well wooded now. If it was going to be developed into single family housing and have trees taken down, there would be an issue that you would essentially see and hear the materials yard. The second issue is that if you develop this very steep hillside, there is a new storm drain down here that dumps directly into the pond. Even though you can control it to some extent, you can never totally control it. I know the Urban Pond Restoration Group along with the Conservation Commission has been looking at that. I would suggest that if the Board were interested in finding an access roadway here there may be room for negotiation. The Board could always grant an access easement or some other easement.

Mr. Gosselin stated that would work fine for me. If I could get an easement off of Wellington Road to access that property, that would work fine.

Alderman Levasseur asked are you going to pay for it or are we just going to give him an easement.

Mr. MacKenzie answered there is a price. It may not be much.

Alderman Gatsas asked would you be opposed, rather than landbanking, if we put deed restrictions in that we would give you whatever caveats you wanted to protect the City. The next question is are you ready to buy it with deed restrictions.

Mr. Gosselin answered I already planned on putting in a couple of deed restrictions myself once I built the subdivision. One of which is that the same mandates as the Airport has. I want to keep one of these lots for myself and should I sell off the other one or should something happen to me and the lots are sold, I want it stated in the deed that these people...you understand that there is an Airport here so live with it. I have and everybody else has. I have been listening to this argument for 20 years and I am frankly just...and this industrial land. When I purchased this land it was all wooded. The fellow who just purchased a house in that little corner over there, when I started cutting trees he said to me well my realtor told me this was a park. Yes, it is a park. It is an industrial park. It is industrial land and has been zoned that way since Day 1. He bought the property unbeknownst. Well, the fact of the matter is that there are properties all over town that just abut...you have to know what you are getting into and you have to realize what you are getting into and it should be clearly stated in the deed. Read your deed and have somebody explain it to you if you can't read it and be aware of it and live with your actions. I want to put deed restrictions on that property just like that.

Alderman Gatsas stated well I am more concerned with what Mr. MacKenzie would like to put in for a deed restriction.

Mr. Gosselin replied to not develop a certain section of it, yes.

Alderman Levasseur stated I think the deed restriction would say you can't put a house on it but you can use it as an access. If you can live with that, fine. I would like to see you own this land. That neighborhood is not the best neighborhood in the world to live in with the planes flying overhead all of the time.

Alderman Vaillancourt stated Mr. Gosselin called me last Thursday or Friday and I agreed to go out and look at the land since it is in Ward 8 and I did that this afternoon. I thought it was important to go and talk to the neighbors and obviously on a Tuesday afternoon they are not all home but I can tell you that I spoke to one of the neighbors who has complained to me on other matters three times in the last two months and they vouched for the fact that he is an excellent neighbor and I wanted to make sure that they wouldn't have a problem with this and they said that they would have no problem. I can't speak for all of the neighbors, but one of the most critical neighbors said they would not have a problem.

Alderman Gatsas asked do you know which one it is.

Alderman Vaillancourt answered I know the name. I think the address is 27 or 28. They live down on the hill. I don't want to vouch for the other neighbors but she

mentioned a couple of the other neighbors that she has spoken with. I don't believe that there will be an outcry from the neighborhood.

Chairman Cashin asked, Mr. MacKenzie, would you be willing to sit down with him and try to work out something like restrictions on the deed and all of that stuff. In the meantime, I recommend that we table this item.

On motion of Alderman Levasseur, duly seconded by Alderman Shea, it was voted to table this item.

There being no further business to come before the Committee, on motion of Alderman Thibault, duly seconded by Alderman Shea, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee