

## COMMITTEE ON LANDS AND BUILDINGS

**December 11, 2007**  
**Aldermen Thibault,**  
**Smith, Forest, Roy, Long**

**5:00 PM**  
**Aldermanic Chambers**  
**City Hall (3<sup>rd</sup> Floor)**

Chairman Thibault called the meeting to order.

The Clerk called the roll.

Present: Aldermen Thibault, Smith, Forest, Roy and Long

Messrs: J. Minkarah, B. Stanley, D. Cornell, J. Bolduc  
Aldermen O'Neil and Lopez

Chairman Thibault addressed item 3 of the agenda:

3. Communication from Jay Minkarah, Economic Development Director, submitting a proposal on behalf of Lake Avenue Realty Company relative to issuance of 25 parking permits for their employees at Stevens Park, as outlined herein.

On motion of Alderman Long, duly seconded by Alderman Roy, it was voted to discuss this item.

Alderman Long stated I was speaking to you earlier, Mr. Chairman, and Alderman Osborne seemed to rectify this issue.

Chairman Thibault stated he didn't rectify it. He said he had a problem with the fact that they would take over the parking area after 5:00 PM. And they guarantee me that they will be out of there by 4:30 or 5:00 all summer long. So it shouldn't be a problem.

Alderman Smith stated I think there's a great problem here and I'll tell you why. Twenty-five parking spaces are going to be utilized by the concern and there would be only eight parking spaces available. There's a playground there; there's three Little League fields that are utilized on a daily basis, and they wouldn't be able to use this for parking till 5:00 PM. Now I know that they have Farm League games during the day, sometimes practice, and so forth like that. And I don't even

know if there's any federal funds involved with the park. There could be. And I was wondering if Chuck DePrima, Parks & Recreation, what his ideas are on it because it's owned by the park and there might be federal funds involved when they renovated that park.

Chairman Thibault stated I know Jay has got some stuff on it. Jay, why don't you come up and...I don't know if Parks has though. There might be some problem there too.

Mr. Jay Minkarah, Economic Development Director, stated Brandy and I both did speak with Mr. DePrima about this proposal. He was copied on this letter as well, so he is aware. He indicated that he did not have any problem with the proposal so long as there wasn't a conflict with Little League. And he did give me a contact with the Little League who I did speak to. As I understand it, the Little League games start at 5:30, which is why we put the proposal in the way we did. I don't believe that they're playing during the day before that. She did indicate to me that coaches and people do come earlier; they come about an hour before the game to set up, which is why we've tried to set the end time earlier during Little League season, which is April through June. But I do believe that most of the year we don't have a conflict with Little League. Again, we do within that three month period and I do believe that the property owners are willing to work with them on that. The eight spaces, as I understand it, during the day...which is why we proposed 25 out of the 33...as I do understand it those spaces are widely open during most of the day. We do think that the eight spaces will be adequate to satisfy the daytime need. And I'd also point out that there's insufficient parking in that area now to accommodate Little League in the evenings, and they are proposing to allow use of their parking lot at 700 Lake Avenue for use by the Little League, so that's going to help address an existing parking problem in the area. And we think that that's a fair trade-off.

Chairman Thibault stated I talked to the gentleman across the street, and he tells me that during the time of the Little League, a lot of those people park in their area. We have no problem with that, he says. So I don't know if that's a compromise or not.

Alderman Smith stated I was just up there today and there had to be 40 or 50 people utilizing the ski slope that they have there. And this is just during the day. I made an effort up there. And I'm very familiar with Little League, and I know they do play, and their early games, you'll see them practicing there at 3:00-4:00 in the afternoon. And there are games scheduled, with Farm League games, and so forth, and this is a highly utilized playground, and that's why we spent money to put the playground in to keep the kids off the street. And I do think that there might be a possibility of federal funds being utilized to restore it, so I think that

you might run into a problem. I haven't researched it, but I was hoping that the Parks & Recreation director would be there because I personally don't think he would want to give up another park.

Alderman O'Neil stated I know I'm not a member of the Committee. I lived on Lake Avenue between Canton and Kenney, a block away from Stevens Park for about five years. That park is used regularly during the day. Alderman Smith is right. In the winter time, although it's not a large hill, it's used for snow tubing, kids play basketball out there in the parking lot regularly. So I have some concerns about giving up parking in the parking lot, and I also agree with Alderman Smith that Little League doesn't necessarily start at 5:30. They're there as soon as the kids get out of school, and during the summertime, they're there at all times of the day. Those are my observations.

Chairman Thibault asked any other questions? What does this Committee want to do? Can I have a motion of what you want to do here? Do you want Parks to look into it and see if there are federal funds, George?

Alderman Smith stated I make a motion to deny the request. The motion was seconded by Alderman Forest. The motion carried, with Aldermen Roy and Long voting in opposition.

Chairman Thibault stated if you guys have got that many questions, I think that they ought to look into it again before it's approved. I'm not going to vote for it either.

Chairman Thibault addressed item 4 of the agenda:

4. Communication from Brandy Stanley, Parking Manager, requesting approval of a lease agreement to develop a Lake Avenue Parking Lot.

Ms. Brandy Stanely, Parking Manager, stated I will defer to Jay, who I think had some opening comments.

Mr. Minkarah stated basically I just want to give you the overview of what's proposed. I think as most of you know, we have existing buildings on Lake Avenue across from the Verizon owned by E & R Cleaners that are in the process of being demolished, and naturally, to make way eventually for future development. What we're proposing to do right now is a short term solution for the parking shortage that we have on this end of downtown. We think it's a win-win solution. It's a public/private partnership that would allow us to basically get a municipal parking lot with no capital costs to the City, the operating cost of which and the rental cost of which will be offset through the parking fees that we

get. It's primarily intended to cover permit parking for future employees in this area of downtown. We think with the professional management of our Parking Division, and with the agreement proposed, we do think that this is a win-win for the City. It's certainly not a long-term solution. We know that. This is an area that we plan to redevelop and we are actually investigating longer-term structured parking alternatives. But in the interim, this does provide us some relief. It's good utilization of land that is otherwise going to sit vacant in a vital area of the City, which is the reason why we brought this proposal forward. Obviously Brandy is here and can answer any particular questions that you might have on the agreement or on how the property is going to be managed.

Chairman Thibault asked are we saying here that the parking fees for the parking lot will be coming to the City? Is that what you're saying?

Mr. Minkarah responded yes. Under the agreement it will be a City lot. This will be a municipal parking lot that the City will manage. We will be issuing permits if it's approved for parking during the day. There would be, as we proposed, some event parking evenings as well. Those revenues would go to offset the cost of the rent and operating costs on the property, and we do have a distribution showing how those revenues would be applied and what the costs would be.

Alderman Long stated there's a couple of issues that I have: I spoke with Brandy earlier. The obvious one is the 1,000 foot ordinance for parking spots from the Arena. This isn't being consistent. The City put in that ordinance for good reason, I believe. And now we're looking to circumvent that, and my question would be to the Solicitor: After the three year lease expires, is this still a parking lot, even though it does say here that they would have to obtain necessary state, federal and local permits and approvals? What would be the legality with respect to the fact that it's already been approved as a parking lot? Do you feel that it would still remain a parking lot, even though in the agreement it says they have to get approval? It's already got approval.

Mr. Tom Arnold, Deputy City Solicitor, stated what you're giving approval is for the City to lease and run the parking. The City is not subject to zoning, so that is proper. I had that language put in the agreement to make clear that once this lease terminates, the property owner could not use it as parking without obtaining all necessary approvals. And as you can see, that includes variances that under present zoning will be necessary to use that as a parking lot.

Alderman Long stated there are...I don't know how you want to approach this. There are three interested parties that I've heard from that have an issue with this proposal and I know one is the Indian Head, Mr. York. There's Mr. Theodopolis, and also a representative from the Z restaurant that had issues with this.

Chairman Thibault stated why don't I listen to Alderman 12 first and then we'll go back to you?

Alderman Forest stated I'm probably going to bring up a fourth because several years ago I had a meeting with the owner of the property at, I believe it's 606 Willow Street. And Jay, I don't know if you're familiar with it. It's just south of Rockingham Ambulance. It is a vacant lot right now. I met with the owner a few years ago because the building burned down. He put in a proposal to the Planning Board, went to the Zoning Board and he was shot down about a building because we created an ordinance about the Gas Light District. So he wasn't able to build whatever he wanted there. One of the proposals he made in the meantime at that time was to leave the lot there for parking for Verizon and of course he was sited for that. So what do I explain to this gentleman, that we won't let him park cars in that lot and yet we're going into negotiations just a few hundred feet away from where he is? How do I explain that to this man?

Mr. Minkarah responded our goal is not to provide event parking for the Verizon. Our goal is to provide daily permit parking for people who are employed downtown. And the reason why this lot works is because of its proximity to existing buildings in the downtown area that are underutilized. So that's our goal and that's why we feel that this makes sense as a City lot, but it's not event parking. Currently on that property they are doing some event parking. I believe there are 83 spaces that are currently being used for event parking on the E & R Cleaners property. So there is some level of event parking that's happening there now. We did propose in the spread that you see to continue some event parking on the property as part of the revenue stream. But that's not the goal of what we're doing. Our goal, when we come to you saying we think this makes sense as a municipal parking lot, is for permit parking for people working in downtown, and we simply don't have enough in this area to support the need that's out there.

Alderman Smith stated back in the summer I voted for re-development of this property. I was under the assumption that it was going to be re-developed and apparently and it's what we thought it might be; it might be a parking lot. It's not fair to the individual abutters. I know for a fact that no one can build a parking lot there. The only one, and you've heard the City Solicitor say it, is the City can do it. And I think the terms of the agreement are terrible and I'll tell you personally I will not vote for this.

Alderman Roy stated I'm not sure if you're here, David, to speak about the overlay district? No, you're not? Okay. I know you've put together many a map of that district. The question I have then, goes to David Cornell regarding the lost

taxes by the buildings coming down, versus a land-only tax, and how this property would be taxed if it was created into parking.

Mr. David Cornell, Assessor, stated as you know the building has been torn down. So if it stays in its present state, as of April 1, 2008, we will assess it as a vacant land parcel.

Alderman Roy stated so, looking at the GIS, we'd be looking at the land value minus building value to come up with what is left and that's what the owner could expect for a tax bill if this is not approved?

Mr. Cornell responded not necessarily, because you do have...our values are land value plus building value equals total value, which the goal is to get to total market value. You do have situations where if the building is not put at its highest and best use for the underlying land, the entire value of the building may not come off because you may have increased some of the value of the vacant land.

Alderman Roy stated Mr. Chairman, I do recall at least two or possibly three votes that I've voted against or to protect the overlay district as it was helped written by my predecessor. So I would like a real clarification from City staff outside of naturally our Economic Development and Parking Divisions as to when we've ever approved anything in the overlay where a building has come down, and how many people have we turned away over the past six to eight years that have looked to do the same type of project, either privately...the fact that the City is involved doesn't mean much to me. It just means it's a better way to get around zoning. So I would look to see how many private individuals have been turned away prior to me voting on this.

On motion of Alderman Long, duly seconded by Alderman Roy, it was voted to table this item, with information to follow from Planning regarding what has been approved and what has been denied within in this area.

Chairman Thibault addressed item 5 of the agenda:

5. Communication from Jeff Bolduc, Senior Services Commission Chairman, advising of their unanimous support in gaining parking spaces surrounding the William B. Cashin Senior Activity Center.

Mr. Jeff Bolduc, Senior Services Commission Chairman, stated a while back this Board looked at the feasibility of looking at the parking garage in the back alley behind the library, behind the Senior Center, to improve the parking situation over there. As a result of that, we have now learned that the building that abuts the parking lot on Douglas Street is currently for sale. What we would ask of this

Board is to take a look at the possibility of seeing what that property would cost in a financially responsible manner, compared to the garage costs. The property that abuts the parking lot was originally part of the plan; then we ran into problems with the funding. It was cut back. Would that be the best suited use of additional parking versus the garage and the cost per space, such like that? So the Commission took a vote and supported it, with Director Barbara, and we'd like you to possibly take a look at that angle.

Alderman Smith stated presently I believe that we instructed the Planning Director Bob MacKenzie to look into negotiations to see...apparently the initial sale was kind of high and we asked him to negotiate and come back to us. As far as I know, that's where we stand at this time.

Mr. Bolduc responded correct, as far as my understanding, there is no set purchase and sales or anything of that nature; it's strictly to look into and negotiate to see what is available out there. Now that there's another property right next to the building that's actually better suited, it may be in the City's best interest to negotiate between those owners and see what is the best deal for the citizens.

Alderman Lopez stated thank you, Mr. Chairman, for letting me...Alderman Smith is correct, but I do agree that it won't hurt to send it to Bob MacKenzie and let him look at that piece of property at the same time and come back and he might negotiate a piece of real estate.

On motion of Alderman Smith, duly seconded by Alderman Long, it was voted to refer this item to the Planning Department.

## **TABLED ITEMS**

6. Communication from Mayor Guinta requesting staff prepare recommendations relating to placing out to competitive/sealed bid parcels located on Granite Street, Phillippe Cote Way and Seal Tanning parking lot as requested by David Brady of Brady-Sullivan.

Tabled 08/22/2006.

*(Note: communication from Jay Minkarah advising of efforts made for disposition of these properties and providing recommendations to direct staff in taking actions for disposal and development of the parcels, and formation of a staff committee to review proposals received.)*

On motion of Alderman Roy, duly seconded by Alderman Long, it was voted to take item 6 off the table.

Alderman Roy made a motion to direct Jay Minkarah, as requested, to look into new disposition of the properties, put together a staff committee for recommendations and then bring them back to this Committee.

Chairman Thibault asked do you want to leave it on the table pending that information?

Alderman Roy responded if we can take the action and still leave it on the table, that would be fine, as long as the action is going forward.

Mr. Minkarah stated if I could update everybody on what's happened to date. The RFP has been issued. So it has been posted from the City's website, and it has been distributed to all the abutting property owners. So I think that forming the staff committee does make sense.

On motion of Alderman Roy, duly seconded by Alderman Long, this item was returned to the table.

7. Communication from Jerry and Mary Derepentigny requesting to purchase property known as Tax Map 440, Lot 9 off Westland Avenue as abutters to the property.

*Assessors – awaiting report.*

*Planning – report enclosed recommending determined surplus and dispose to abutter at fee to be established by the Board of Assessors and possible consideration of taxes due.*

*Tax Collector – awaiting report.*

This item remained on the table.

There being no further business, on motion of Alderman Smith, duly seconded by Alderman Long, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee