

COMMITTEE ON LANDS AND BUILDINGS

March 1, 2010

4:30 PM

Chairman Osborne called the meeting to order.

The Clerk called the roll.

Present: Aldermen Osborne, Lopez, Shea, Roy, Greazzo

Messrs: K. O'Maley, K. Lauer, R. Boisvert, L. LaFreniere, D. Beauchesne,
M. Hurley, T. Arnold, J. Fleming, C. DePrima

Chairman Osborne addressed item 3 of the agenda:

3. Presentation by the Facilities Division regarding McIntyre Ski Area.

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

Chairman Osborne stated this is an update. You don't need anything from us this evening do you?

Mr. Kevin O'Maley, Facilities Division, replied correct. We are just providing information. To my left is Kurt Lauer who is doing the design work for the ski lodge and the owner of McIntyre Ski School. Don Sarette, is not with us today because of an illness, but Ross Boisvert is here in his place. Just for a little background, the City of Manchester entered into an agreement with McIntyre Ski School last October. Part of the agreement was to raze the existing ski lodge and build a new one. McIntyre Ski School was granted significant latitude in the decisions that had to be made as far as the size and shape and the look of the building. We wanted to spend a couple minutes today to provide the Committee with an update on where we are with everything. I'll turn it over to Kurt.

Mr. Kurt Lauer, Ski School Designer, stated the drawings that you see over to my right are pretty much the same that you have in the packet that was sent out quite a while ago. The design hasn't changed much. It has been refined, but it is still about 9,000 square feet total, with about 6,900 square feet on the first floor and 2,200 on the second floor. As Kevin said, the existing building is being torn down.

Probably right around the first part of April we will start demolition. We have to do some asbestos abatement and then tear the building down. Construction should be starting sometime in the first part of May and we are scheduled for completion on October 15th, which is in time for the Ski School to run its annual big swap and sale. The building itself, as I said, is around 6,900 square feet. It is a little closer to the slope than the existing facility by about 20 feet. We moved it outside of the wetlands setback. It is oriented in shape so that it takes advantage of the uphill views of the slope. It is about 20 feet away from the rental lodge building, which stays intact. There will be new power and new heating and we will be running a sprinkler system down into the building as well as fire alarms. It is also being planned for conditions to run summertime events in there. Nothing is planned right now, but they would be able to host a wedding reception or an Aldermanic meeting in the summertime. I don't want to take all your time up. I don't know if you want more explanation about what is going on or if you have questions.

Chairman Osborne asked what will the second level be utilized for? You are talking about a second level?

Mr. Lauer replied there are two primary functions. The first is a place for the staff to change in the morning and hang up their coats, put their McIntyre uniforms on and then go out to the slope. That function room upstairs on your drawing will be a ski instructor training room as well as a private party room if kids want to come in and have a snow tubing party or a birthday party. They will go up there to have the party so it will be acoustically isolated and also physically isolated from the first floor activities.

Alderman Lopez stated let's go over the dates. You say the spring. Is there any holdup in moving forward when you are going to do this? Are there any hang-ups along the way as you tear down the old building?

Mr. Lauer replied the drawings are scheduled to be completed by March 31st. The City has already sent out a RFP and they have gotten responses back for hazardous materials abatement. We are closing March 19th. As soon as they close ski operations, we can start with the abatement procedures. Once that is clean, they can tear the building down and then we start going forward.

Alderman Lopez asked what about all the permits?

Mr. Lauer replied until the drawings are done we can't submit to Building. We have met with those guys on numerous occasions, the Building and Fire Departments, to go through the project to see what is needed and not needed. They are all very aware of the project and they have been through the drawings a couple of times. There shouldn't be any surprises there.

Alderman Lopez asked what is the completion date?

Mr. Lauer replied October 15th.

Alderman Lopez stated my only comment is that if you run into problems let us know because we worked hard on this project with the owners and we want to make sure it happens.

Chairman Osborne asked Mr. Boisvert do you have anything to add before I move on?

Mr. Ross Boisvert, McIntyre Ski School, stated the party room or the function room upstairs, the question was what it is. One of our biggest requests is to have a private function room. We have a lot of tubing parties. Years ago, the Parks and Recreation Department put in a tubing park and for those of you who haven't been over there, it is very popular. It is growing every year. Parents are requesting a Chuck E Cheese's-type party area where they can be private. That is the whole purpose of that room. It is going to be a good added future for us to sell.

Chairman Osborne stated I'm sure you'll do a good job with it.

Mr. Boisvert stated I've always tried.

Alderman Shea stated you have discussed the structure and the additional upgrade. How about the overall surroundings, like when you first enter and there are all kinds of wooded areas? Will that be affected at all?

Mr. Boisvert replied we started cleaning all the deadwood basically when we got approval from the Board last fall. We are going to continue to do that and making it a more appealing entryway and entire facility.

Alderman Shea stated basically that would be completed now. In other words, no additional type of environmental improvements would be made. In other words, the way you are speaking now and the fact that this is going up and the fact that you had done additional work in the fall to take care of some of that shrubbery and so forth, that is sufficient.

Mr. Boisvert stated no, it is going to be ongoing.

Alderman Greazzo asked have there been discussions that this lodge be placed at the top of the hill? I'm wondering if you had any plans for future development now that I see that it is at the bottom of the hill. Are you planning on doing anything at the top?

Mr. Boisvert replied in the future in the agreement, we can revisit using the Weston Tower area. We have no plans immediately for that, but in the future we would look into possibly using the Weston Tower area for something. We left that open as an option.

Alderman Lopez stated just for the public purpose, I know you just skimmed over it, but could you describe the whole thing again? I think it is important that the public understands, especially the residents of Ward 2. I know we have it, but sometimes the public doesn't know what we are talking about because we don't explain it right. Could you help us out in that area?

Mr. Lauer replied sure. I can give a quick history of what was done. As Ross said, you guys gave Board approval last fall for the development of the area. Since then, we have put on a small 500 or so square foot addition to the rental lodge. Now they have ticketing up front and some new office space so that has improved quite a bit. In so doing, we pulled the ticketing office out of the main lodge building and it is going to stay over there when this is completed. They have done some slope side improvements on the lifts and lighting; they put in a new magic carpet that goes up the slope and they purchased a new snow CAT for improved grooming. That has all been completed and has been operational all winter long. The new lodge, as I said, is around 6,000 square feet. It is oriented perpendicular to what is there now at the end of the A-frame facing up slope so when you are in the lodge you can actually see up the slope. Right now, because of the shape of the lodge, if you are more than 15 or 20 feet from the exterior windows you can't see up the hill. This will be oriented so you can see uphill better. The current seating capacity is around 110 people. The proposed capacity is 170 so it is an increase there. That does not include the upstairs function room. This building is also planned for future expansion to the south where we could add another 100 or so people to that capacity. In case anyone was wondering, the way capacities are determined is by lift capacity on the slopes, not necessarily how much parking or square footage in the building you have. Once the ski area is maxed out on the slope you are pretty much done. You can bring in 50 more buses and buildings four times the size, but it won't gain you anything because you can't get the people up and down the slope safely. That is the way that is set up. We look at this like you would when you put an addition onto a school building. It might add four classrooms and a library, but you don't increase the capacity. All you are doing is restoring lost space so it is better functioning. That is what we are doing here, creating a better functioning

and more pleasant environment for the people. Right now, a lot of parents will drop their kids off, go to Dunkin' Donuts or McDonalds and get something to eat and then come back. We're hoping that with these improvements they will stay there, watch the kids, and be a part of it. We are going to set up Wi-Fi so they can bring their laptops and work on projects while they are there and not have to leave the facility. We do have plans in the future for an exterior patio area. Again, a lot of ski areas, especially on a nice sunny afternoon, you go outside and sit on the lawn chairs. We have talked about having a barbeque pit or some kind of a cooking area so you can have a hamburger and a soda or some coffee. We hope to create the ideal situation out there. All those things are planned for the future. It depends on how their income is for the next two, three, four years.

Chairman Osborne stated being informational, I thank you for the report and I wish you great luck in the future.

Chairman Osborne addressed item 4 of the agenda:

4. Request to obtain lot number 676-5 located at Riverdale Avenue, West Mitchell and Dunbar Streets.
(Note: Attached is a memo from Joan Porter regarding the Tax-Deeded property; appraisal from the Board of Assessors and communication from Planning & Community Development.)

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

Chairman Osborne stated I would like a briefing from Leon LaFreniere. I have read the memos and everything, but I think for the public and anyone else who didn't, what do we have here?

Mr. Leon LaFreniere, Director of Planning and Community Development, replied sure. I would like to turn it over to David Beauschesne from my office who has done the analysis on this project and has made contact with all of the various departments that have interest in this proposal. I think David will be able to answer those questions.

Chairman Osborne stated bottom line...it doesn't have to be a super long story.

Mr. David Beauschesne, Planning and Community Development, stated the bottom line is that the property owner of lots four and three off of West Mitchell Street are requesting to acquire a City owned tax deeded lot known at 676-5 which is abutting their property, along Riverdale Avenue and the paper portion of West Mitchell Street and Dunbar Street.

Chairman Osborne asked is this lot buildable?

Mr. Beauschesne replied my understanding is that it is buildable. I asked a colleague in our office who handles those matters and he said that it is barely buildable. I would point out that the current residential lot that we are discussing from the petitioners is really two lots where they have one house on it. Those two lots do not front a class five or better town maintained road. They have been maintaining the City owned lot five for over 40 years and have planted trees on it and have essentially acted like it is their front yard. A portion of Dunbar Street goes over a triangular corner of that lot. If you wish to have maps I have those.

Chairman Osborne stated I've looked them over myself, but I don't know about the rest of the Committee.

Mr. LaFreniere stated in response to your question, the lot that is requested for acquisition, lot five, as David indicates, by itself is a buildable lot as a nonconforming lot of record. If it is purchased by the Vaillancourts it would be required to be annexed to their parcel and would not become a separate buildable lot but would make their lot more conforming where as right now it is not because it does not have frontage as Mr. Beauschesne indicated.

Chairman Osborne stated even lot five itself doesn't have enough square footage. It would probably have to go through the ZBA. Is that what you are telling me?

Mr. LaFreniere replied it would not because it would be considered a nonconforming lot of record because it is owned separately and not owned in conjunction with an adjacent lot. Because it stands alone as a separate lot, it would be considered a nonconforming lot of record and would be buildable.

Chairman Osborne asked so it would be a grandfather clause type of thing?

Mr. LaFreniere replied yes, exactly.

Chairman Osborne stated I guess Mike can answer this one. I read something like it is assessed for about \$14,000 and \$16,000.

Mr. Michael Hurley, Assessor's Office, stated correct. It was based on the fact that it will be merged into that other parcel so it will be an unbuildable lot.

Chairman Osborne asked what does a buildable lot go for today?

Mr. Hurley replied it depends. I've seen anywhere from \$85,000 to \$110,000 lately.

Chairman Osborne stated it depends if it has water and sewage, right?

Mr. Hurley replied correct.

Chairman Osborne stated I'm going to pass it on to the Committee. That was my main question.

Alderman Lopez stated if I understand you correctly, this lot is abutts the owner's land and he has planted trees on it and has been using it and he wants to buy it from the City, not to build anything on, and the Planning Board would not give him approval to build anything on it.

Mr. LaFreniere stated we would recommend that should your Committee and the full Board ultimately make a decision to sell this parcel to them, that it be on the condition that it be merged with his lot and therefore rendered unbuildable. He could potentially put an addition on or something if he met zoning requirements, but he couldn't build another house.

Alderman Lopez asked would that hold true to anyone else in the future? That would go with the deed?

Mr. LaFreniere replied that's what we would recommend, that it be merged and the lot lines between them be erased.

Alderman Lopez stated tell me about how you arrived at the particular lot that is \$85,000? Give us a little more information so we understand.

Mr. Hurley replied in the past, when I was here doing the reevaluation, a lot of these sales between abutters are usually not on the market. Usually someone says I'll give you 3,000 square feet for \$10,000. Just recently, on Juniper Avenue, someone redid the entire subdivision and they had a 7,000 square foot lot that was unbuildable. They sold that to the abutting owner and he merged that to his lot and that sale was for about \$20,000.

Alderman Shea asked if, for the sake of discussion, they decide or the party following them decides that they will appeal to the Zoning Board for special exception or a zoning permit in terms of getting that special exception, is that possible even though as a Board now we agree that it should be merged and therefore cannot be built on? Could they appeal later on and have that overturned by the ZBA?

Mr. LaFreniere replied it is possible that if there is no other encumbrance or condition on the sale that they could potentially go to Zoning Board and request a variance in the future to subdivide. I believe, and I would defer to the City Solicitor on this, that it may be possible to condition such a sale that you couldn't subdivide it further in the future.

Alderman Shea stated you are asking for a couple of caveats. One is that it isn't buildable; the second that it should be merged with the existing property.

Mr. LaFreniere stated we would recommend that it be merged with the property if the sale were to take place so that it wouldn't be considered a separate lot of record. As it stands today, it is a marginal lot and because it is a nonconforming lot of record or a grandfathered lot, it could be built on. Because of the configuration, it is very shallow once you take out the area where the street goes over the corner and there isn't a lot of buildable land left. It really isn't a good lot to build on. I would suggest that it may be good public policy to not take this lot and sell it as a buildable lot.

Alderman Shea stated my opinion does not pertain to the people. I'm sure they all have good intentions. Over the course of time, we find that there are situations that have been experienced by constituents in my ward that have resulted, as we know, in different situations existing than what the intent was. We call them unintended consequences. I think we have to be as solicitous as we can in terms of making sure that we are not creating one other situation where we are trying to solve another one and trying to help these people. That is why I bring that up.

Alderman Lopez asked Tom, what legal motion would be acceptable to answer Alderman Shea's question plus my question?

Mr. Tom Arnold, Deputy City Solicitor, stated first of all, this particular transaction, if you want to sell it to a particular property owner as opposed to public sale, because it is tax deeded, would have to be done by Ordinance in accord with both State statute and the City's surplus property Ordinance. What you could do is put conditions on the sale that they be merged and the property not be subdivided in the future or treated as a separate buildable lot.

Alderman Lopez asked does that meet your recommendation?

Mr. LaFreniere replied yes.

Mr. Hurley stated also, Alderman Lopez, we want to ensure that a road easement satisfactory to the Highway Department and the Solicitor's Office for Dunbar Street is also provided as a matter of course.

Alderman Lopez moved that the property located at Riverdale Avenue, West Mitchell Street and Dunbar Street known as lot number 676-5 be deemed surplus and disposed of at public sale at a price to be determined by the Assessor subject to the review and approval of the City Solicitor. The Committee further notes that the sale is contingent upon reserving any and all utility easements, the lot may not be sold as a buildable lot, the lot shall be merged with the property of the buyer and may not be subdivided in the future. The motion was duly seconded by Alderman Shea.

Alderman Roy stated I think my concern was just addressed by David. I'm looking at the map and I see Dunbar Street and it runs over that piece of property. That is the easement you are talking about. We're not going to sell part of the street. We're going to make sure that is cut out of that piece of property and maintained by us.

Mr. LaFreniere stated there are actually at least two different easements that would be required. One is for that portion of Dunbar Street and the other is for the West Mitchell Street Extension and the utility easements that would be required should that portion be sold.

Alderman Roy stated that was in your letter as well.

Chairman Osborne called for a vote on the motion. There being none opposed, the motion carried.

Chairman Osborne addressed items 5, 6, 10 and 11 of the agenda:

5. Communication from Alderman Greazzo, Ward 10, regarding the proposed dog park.
6. Communication from Dennis Smith, 50 Comeau Street, regarding the proposed dog park.
10. Draft agreement submitted by the City Solicitor's Office between the City of Manchester and the Manchester Dog Park Association for a proposed dog park in the city.

(Note: On November 10, 2009 the Committee voted to send the agreement to the Dog Park Association and table this item until they have responded.)

11. Communication from Chuck DePrima, Acting Director of Parks, Recreation and Cemetery Department, regarding dog park site investigations for Dunbarton Road and Crescent Road.

(Note: Referred by the Board of Mayor and Aldermen on 10/6/09. Tabled on November 10, 2010. An additional proposal for a possible site on Varney Street has been submitted by Chuck DePrima, Acting Director of Park, Recreation & Cemetery Department.)

On motion of Alderman Roy, duly seconded by Alderman Shea, it was voted to remove items 10 and 11 from the table.

On motion of Alderman Roy, duly seconded by Alderman Lopez, it was voted to discuss these items.

Alderman Greazzo stated I have been working on this issue for quite a while. I have submitted some documentation regarding my research and the best possible site that I see in the City. There are a couple ways we can go about this. We can choose either the best possible site or designate a couple parks in the City as off leash areas. I would opt to find a specific spot rather than change the leash laws of the City. Basically my recommendation is to go with one of the sites that I have here based on usability. I came up with a couple.

Chairman Osborne asked what are the couple?

Alderman Greazzo replied the Jac Pac Freezer site is at the top of the list. It is the most remote and easily accessed and offers the greatest potential for the largest number of people in the City to access that facility. When it was donated back to the City it came with the crossing and easement rights to get to the property. It is not near any housing so there aren't any abutters to complain. It seems to be one of the best possible sites in the City.

Chairman Osborne asked has this been looked into already? What kind of information do we have for it? Anything from the City Solicitor? Is there anything on the Jac Pac property on the dog park situation?

Mr. Arnold replied some time ago when I spoke to Chuck DePrima about the site, I believe there were access issues. If I recall correctly, access to the site was across an easement across the railroad line that no longer exists. Access may be an issue down there.

Chairman Osborne stated this may not be feasible to put a dog park down there. Is that what you are saying?

Mr. Arnold replied again, I would want to review the facts, but that is my recollection from speaking to Chuck some time ago.

Alderman Greazzo stated if I could follow up on that, Mr. Chairman. That information is relatively correct. From the City standpoint in a stand along manner, we did not retain crossing rights over that section of track. It is signalized and since we now own the Jac Pac site that had its own easements.

Chairman Osborne asked what was the other site that you had?

Alderman Greazzo replied the other site that offers the best possible location is the Piscataqua River Park at the trailhead. That is at the end of Electric Street. If you look at page 5-4, the proposed area didn't come up with the attachment that I sent, but page 5-10 that has the mound and the clumping of trees, that is basically the area right there. There is a trailhead marker and its own parking, separate from the ice arena parking. Whatever the City decided to do with that area in the future it would still be its own separate location. It wouldn't interfere with anything going on at the ice arena.

Chairman Osborne asked is there anyone from Parks here? Do you have a lot of knowledge on the dog parks?

Ms. Jessica Fleming, Parks Planner, responded I've worked on most of these sites in conjunction with Chuck and Phil.

Chairman Osborne stated we have been dealing with Chuck. In your eye sight, which do you think is the best?

Ms. Fleming replied there are problems and there are benefits with both of them. With the Jac Pac freezer site obviously the access issues need to be looked into further by the City before we can move forward with that. My understanding, and Phil is well aware of this too, is that there are about four access restrictions that need to be overcome with different levels of achievement, determining who owns what and who has rights to access. I would be hesitant to say that we would prefer that site just because I don't know if we can access it. Should all of those access restrictions be lifted, I think it is a great site.

Chairman Osborne asked what kind of timeline are we talking with all this stuff between the City Solicitor and what you are saying?

Ms. Fleming replied I have no idea how long it would take.

Chairman Osborne stated that is the whole thing. I think these people need some place to go and they have been waiting long enough.

Ms. Fleming stated I agree.

Chairman Osborne asked do you know something about the second site the Mr. Greazzo suggested?

Ms. Fleming responded regarding the Piscataquog River Site, I believe we are in discussions with getting the West Side Arena privatized and having a dog park in place with parking restrictions and whatnot. I don't want to have that deter any sort of interest in privatizing the West Side Arena or turning people away from that. Should the West Side Arena remain under the jurisdiction of Parks and Recreation, I think it is a good site. I think Jac Pac, without its restrictions, is better.

Alderman Lopez stated there is a document out there in reference to Jac Pac and there are major problems in there, but the point I want to bring up is that the Lands and Buildings Committee had selected a couple places. One was the landfill; the other was Bass Island that they could not come to a determination on. The third option that has come up to us is off of Varney Street and off of Head Street, which we have a diagram of. Do you want to explain that area to us and to the public, please?

Ms. Fleming replied I can. The Varney Street site is located on Dunham Street. Dunham Street presently dead-ends into a dirt road. There are some pavement encroachments onto City property at that point. Across Dunham Street is the Piscataqua River Park that is undeveloped, but it is owned by Parks and Recreation. It is a residential area and close by is the Raco Theodore Pool. We have proposed on our conceptual design, again a lot of this would need to be looked into further, parking area that would accommodate at least 36 vehicles. Additionally, on our property we proposed a turnaround to prevent that dead end parking and access restriction. We have also proposed a lot of screening along the area, although the site itself is down slope from some of these residential properties on Varney Street so that the grading of the site is a natural buffer. The areas of concern are the residential areas to the west and to the north. We have terminated parking before the intersection on Dunham Street and I don't remember the other three, but we have terminated parking before it abuts the residential properties and we would like to provide screening so those residential properties do not have a direct eye line to the dog park. The dog park off leash area does fall within guidelines of the recommended square footage. Off the top of my head I don't know what that is, but it does fall within those guidelines of an off leash area. With the proposed planting and the proposed screenings, there will be

enough shaded area for dogs. I have been looking into materials for dog park bedding and this looks like a pretty good spot to utilize those materials without being blown away or into other people's properties. I think it is a well shielded place. It is off the beaten path and not in the middle of everything, but I think it is very accessible by Varney Street. I think it is a good site. I would like to see it a little bit bigger and access by pedestrian means so people can walk there as opposed to parking 36 cars on this street, but otherwise, those things can be worked out.

Alderman Lopez asked is it true or not that there is a walkway off of Varney Street?

Ms. Fleming replied there is.

Alderman Lopez stated so people can walk down there.

Ms. Fleming stated it is not designed and it is not something that we have constructed per code that we need to look at further.

Alderman Lopez asked but is there an entrance out to Varney Street where people can walk?

Ms. Fleming responded it is essentially what I would like to call a goat path. It is a dirt path that people have used just by foot traffic. It is not formalized at all.

Alderman Lopez stated I realize that, but it can be done.

Ms. Fleming stated it can be formalized, yes.

Alderman Lopez stated I know the Alderman will speak to this because he has visited this area with other Aldermen. The other one in the Alderman's letter is Bass Island that was the first place. If I remember from conversations from other people on this Board and the prior Lands and Buildings Committee members, we said to find a place; start off small because of some of the restrictions that the Dog Association has to work out legally with the City Solicitor. I asked the Alderman from Ward 10, looking everything over, it might not please everybody, but I think there are three areas. There is the landfill that the previous Committee came up with, which is not acceptable to some people; there is this area that recently came up that you visited; and there is Bass Island that is a small area for small dogs. I know that you are working on some. I asked the Aldermen from Ward 10 for some input so that we can make a decision. I know you have been working on it for two years and this is becoming a bad situation for everybody. I think we are at a decision-making stage.

Alderman Greazzo stated I am actually opposed to the Varney Street location. It is actually on Dunham Street. It is located in a heavily residential area. It is also on conservation land, which is designated for passive use so I don't believe that you are able to build anything on there. I have a question for you. What is the level of interest that anybody has had for privatizing the West Side Ice Arena? Has anybody approached the City? Have you put out any RFPs?

Ms. Fleming replied we haven't publicly advertised that yet.

Alderman Greazzo asked if that is privatized what do you propose to do with the Piscataquog River Trail that happens to be at that site?

Ms. Fleming replied it isn't at that site. It is a separate piece of property.

Alderman Greazzo stated the site that we are talking about that is in question, the mound in the Piscataqua River Park, is not adjacent to the West Side Ice Arena. Is that what you are saying?

Ms. Fleming replied it is adjacent to the West Side Ice Arena, but it's not adjacent to the trail.

Alderman Greazzo asked it actually has a trail marker at the entrance?

Ms. Fleming asked are you talking about the paved trail, the recreational trail, or the dirt trail?

Alderman Greazzo replied the dirt trails. There is parking over there for about 15 cars.

Ms. Fleming stated right and there is also parking north of the Tussel Bridge. There is a parking area down there near the boat ramp as well.

Alderman Greazzo stated I don't think anyone would encourage people to park over by the river and walk over.

Ms. Fleming stated it has to be looked at.

Alderman Greazzo stated as we go forward on this, I think that as far as Bass Island goes, I am working with the property owner to find some sort of mutual agreement to acquire the rest of the island. We could turn the City portion of it into an area for small dogs immediately. That wouldn't be a problem, but that also wouldn't address the greater issue of a dog park in general. If we wanted to move

incrementally, we could do that and look at other sites for a permanent location, but I don't see that that is going to be the solution. I also don't see that the Dunham Street site is usable considering that it is in a densely residential neighborhood. I really don't think that traffic impact is going to improve the quality of life in that neighborhood whatsoever.

Chairman Osborne stated the whole story is that everyone wants a dog park, but no one wants it.

Alderman Greazzo stated I want it and I want it in a good spot.

Chairman Osborne stated let me finish and say what I have to say. Number one, this has been hanging in this Committee for I don't know how long and we just go on and on like Mr. Smith used to say. I think that two-thirds of Bass Island is not owned by the City. Only one third of that is owned by the City. This property might take forever before you have a complete dog park there. We are piecemealing it. I think what we need to do is get a park somewhere, get started on this and in the future, I'm not saying that this is going to be the only dog park...we're talking like this is going to be the only dog park forever, which is not going to happen in the future. I probably won't be here. On we go here. Is there anyone from the Association here for the agreement?

Alderman Greazzo replied for the record, I am no longer Chair of the Dog Park Association. I didn't think it would be appropriate for me to enter into a contract with the City of Manchester as an Alderman. We do have a representative here, Lisa Swank.

Chairman Osborne asked she has this agreement?

Alderman Greazzo replied she does not. She is here in place of the new Chair, her husband, Matt Swank.

Chairman Osborne asked Mr. City Solicitor, where do we go from this point? I guess she doesn't have this agreement. She is the new Chairman of that Committee or whatever. Where do we go from here?

Mr. Arnold I can certainly provide her with a copy.

Chairman Osborne stated she hasn't even read this.

Alderman Greazzo stated the agreement isn't an issue for the Association, I can vouch for that.

Chairman Osborne stated I wanted to make sure. We're talking about whether the people can walk there and so forth. They can't walk at the landfill either. No one wants to walk that far. We're not going to find the perfect spot for this right now.

Alderman Greazzo stated I think that the Jac Pac is the ideal spot.

Chairman Osborne stated but that is going to take some time. It might be two years from now.

Alderman Greazzo stated I don't think it would take too much time. The easements are already there...just research.

Alderman Lopez stated I remember a conversation and I want to get it on the table to make sure it is on the table. One of the intents was to select a location because from previous testimony people said that if they were given an area they would build it and it won't cost the City any money. I think one of the areas is okay...here is the area and then work out the agreement with the City Solicitor. If there is truly a Dog Association, which you are no longer president of like you said, I think you need to give the opportunity to the City Solicitor...the Board of Mayor and Aldermen has given you this to work out the complete details and let them go through that first step of creating a dog park. If it is at Bass Island, that is a small area and I realize that, but it would take the paperwork and who the organization is and providing a million dollar liability insurance. We can argue who is going to be sued in the end. However, there are requirements and maybe just for the record, the City Solicitor could stipulate some of those things that are required of the Association. The key point has always been, not so much the agreement, but where they are going to go and how they are going to pay for everything? It isn't going to cost taxpayers money. City Solicitor, would you like to comment on anything?

Mr. Arnold responded you have in front of you the agreement, which I drafted. As you can see, that agreement has a provision for adding the description of the property where the park should be located. As long as the Dog Park Association is in agreement with the agreement, that particular portion of setting up the dog park is pretty much taken care of. My understanding is that the Dog Park Association is a legally existing organization with the State of New Hampshire. The agreement does, in basic form, state that they are going to bear all the costs, supervise, and it also provides for the provision of insurance. Basically, we are at the point where the agreement is in place. We merely have to identify the property so we can put the legal descriptions in and attach it to the agreement.

Alderman Lopez stated I would like to follow up if I may, please. Now that Chuck DePrima is here, you did an excellent job, too...this land off of Head Street, I believe across the little stream that goes down there is also conservation land. Am I correct?

Mr. Chuck DePrima, Acting Director of Parks, Recreation and Cemetery Department, replied you are correct.

Alderman Lopez stated so that whole area there...tell me what that means. I think I know what that means, but I want you to tell me what conservation land means to the public.

Mr. DePrima stated to the best of my understanding, that land was acquired through the supplemental environmental protection program sect that was part of the CSL Project as they were separating on the West Side. That land was put aside to protect it from any type of development.

Alderman Lopez stated I could take my dog down there now and use that land. Is that correct?

Mr. DePrima replied to my knowledge there is no restriction for that type of use since it is considered recreational in use.

Alderman Lopez stated I only bring this up because I had discussions with a couple of people and I want them to say in their own words...Leon, as Planning Director, what is your vision for this land and what can it be used for?

Mr. LaFreniere replied essentially the conservation zone was a designation that was applied to all of the City owned properties that were being held for conservation or recreation purposes, including all of the lands that were held by the Manchester Water Works. That zoning designation was applied to existing City owned parcels. That is the genesis of where that came from.

Alderman Lopez stated Mr. Chairman, I think we have narrowed it down to the landfill, this particular area off of Varney Street that we were just speaking of and Bass Island. I think that is the compromise all the way around and if I may ask the Ward 10 Alderman a question. Out of the three that I mentioned, is there any one of them that you would accept?

Alderman Greazzo replied I would take Bass Island. If we are talking about the Dog Park Association bearing all costs, I would have to ask Mr. DePrima who proposed to put in the parking facility and the turn around and all of that. That is

not something the Dog Park Association ever agreed to. They agreed to provide fencing to a distressed area.

Mr. DePrima stated although I haven't priced it out yet, I believe that work could be done at a minimal cost.

Alderman Greazzo asked to the City?

Mr. DePrima replied to the City.

Alderman Greazzo stated which would be the taxpayer, which means I'm not supporting that. That is another reason I would object to the site.

Alderman Lopez I just want to follow up because the Alderman indicated that he would accept Bass Island, I'm ready to move whenever you are, Mr. Chairman.

Chairman Osborne stated well, number one, Bass Island like I said before, two-thirds of that the City doesn't own. We will probably never get to enlarge it and what are people going to do with larger dogs?

Alderman Lopez stated correction, Mr. Chairman. We do own a portion of Bass Island.

Chairman Osborne stated one third.

Alderman Lopez stated that's fine and he is willing to accept that to start this dog park off.

Chairman Osborne stated but it is the low end of starting it. What you should do is get something where you can get the large dogs as well as the small dogs there and we can go on in the future. Let me finish. We can go on in the future to find Bass Island and other things that are going to come up in the future, but I think what we need now is to get a dog park out there, even if it is the landfill. The landfill is ready, able and willing to go. We get that started. That doesn't mean that that is the last and only place that is going to go. We have taken up too much time with all these others and it is going to take up a lot more time and I don't think it is fair to the people with the bigger dogs as well as the smaller dogs and only the smaller dogs can go there and not the big dogs. This is piecemeal, is what it is.

Alderman Roy stated I agree with you on the fact that if we are going to have a dog park we have to have a dog park that facilitates all the dogs. We can't have just a small dog park and not have a big dog park or vice versa. That doesn't make any sense to me. I also want to state that Alderman Greazzo is right. Although I

want a dog park, I don't think the taxpayers should have to spend one penny on it. We have to take that into consideration.

Chairman Osborne stated I'm ready to make a motion myself.

Alderman Greazzo stated if you allow me, Mr. Chairman, I would like to make the motion.

Alderman Greazzo moved to select Bass Island and move forward on the Jac Pac site as the permanent location of a dog park. The motion was duly seconded by Alderman Shea.

Chairman Osborne called for a vote on the motion. The motion failed with Aldermen Lopez, Roy and Osborne voting in opposition.

Chairman Osborne stated my motion was to go to the landfill, which no one talks about because no one likes it because it is a ways off. I agree with them. I said that from the very beginning, that it is a long ways for a lot of people to go, but at least we can go somewhere for the time being and look into a future park, rather than bringing this back month after month. At least there will be a place to go in the meantime and Bass Island will probably come in as a whole rather than just one third of it.

Chairman Osborne moved to use the landfill as the site for the dog park. The motion was duly seconded by Alderman Roy.

Alderman Greazzo stated unfortunately, if that is the site that you are going to select, I doubt that the Dog Park Association will take you up on it and you won't have a dog park at all.

Chairman Osborne stated I don't want to get to blackmail here.

Alderman Greazzo stated no, no.

Chairman Osborne stated I'm giving you a choice. This is available now and in the future, we can look for something else. There isn't going to be just one dog park in Manchester forever here. It is going to go on and on. Other than that, we should take it off the table, receive and file it and come back when something is there in front of us because we can go on forever.

Alderman Lopez stated I think we have two motions on the floor, if I recollect.

Alderman Shea stated no, there is just one.

Alderman Lopez stated the first one was for Bass Island and Jac Pac. You seconded it. Is that correct?

Alderman Shea replied yes.

Alderman Lopez stated another motion came on the floor.

Chairman Osborne stated I made that motion.

Alderman Lopez asked can I address the first motion?
Alderman Roy stated we already voted on it.

City Clerk Matt Normand stated the motion failed

Alderman Lopez asked can I ask a question before I vote on this motion?

Chairman Osborne replied sure.

Alderman Lopez asked would the Ward 10 Alderman accept just Bass Island?

Alderman Greazzo replied I would.

Alderman Lopez stated okay.

Chairman Osborne stated it isn't fair to the public, is what I'm trying to say with Bass Island. It is not fair to give just the ones with the small dogs something and the ones with the big dogs get nothing.

Alderman Greazzo stated I completely agree which is why I have been working on multiple sites that are in the greatest interest to the most people.

Chairman Osborne stated I understand and I agree with you.

Alderman Greazzo stated I didn't give you the information as a blackmail tactic. It is a point of fact that the Dog Park Association and the people who own dogs in the City already said that they won't go to the dump so I don't see that that would be a viable site.

Chairman Osborne stated I don't want this hanging in my Committee forever. Number one, if we aren't going to be getting, or they won't agree or we don't agree the landfill for now, then I am going to make the motion to receive and file this until they all come back with something that is pretty sturdy because this is

just floating around and it is getting nowhere. It is always tabled. We might as well start fresh when we get something that is going to be solid, is all I'm trying to say.

Alderman Shea stated thank you, Mr. Chairman. May I address something to the Alderman of Ward 10, please?

Chairman Osborne replied sure.

Alderman Shea asked if Bass Island were agreed upon, could there be additional provisions made whereby in the future, there would be consideration for a future dog park which would tend to accommodate the people who have larger dogs or dogs that would not be compatible to that site and therefore, it would not close the discussion about a dog park per se, but it would just say this is the first step and therefore, without adding an amendment that Jac Pac be considered? Nevertheless, it would not close the door so an additional provision may be inserted so that this particular Committee would vote on an additional site if the people from the Association came up with reasonable sites for an additional dog park. Would that be agreeable to the Committee? In other words, what I'm saying is that we would start the process now, but it would be a process. It would not stop tonight; it would just be the beginning of the process so that additional provisions might be inserted so there might be accommodations made. I'm not sure if you would like to make that type of suggestion.

Alderman Lopez stated I hope that the motion that is on the table now is withdrawn because the Alderman from Ward 10 indicated that he would accept Bass Island. The explanation that Alderman Shea is giving that if you start this process, which I said in the beginning...here is Bass Island, start the process, get the agreement with the Association and it doesn't rule out that in the future we could go back to the landfill. It doesn't rule out that if people are working on or whatever the case may be that it expands throughout the City and we have the resources to put in other places if that is the wish of the Dog Association people. I do agree with Alderman Shea. I accept the compromise that the Alderman from Ward 10 made on Bass Island and I would ask that the motion be withdrawn to make the motion to Bass Island.

Alderman Shea asked is that the motion made on the landfill?

Chairman Osborne replied yes.

Alderman Shea stated let's vote on it and if we don't want it we can vote it up or down.

Chairman Osborne stated I'll speak one more time on it. Again, I don't know...again, the small dog or large dog or whatever...it is not fair to one and not the other to do this because you can get this site at Bass Island and maybe whoever owns the two thirds of the rest of Bass Island we don't make any agreements with and we are still stuck with that one third. If we are stuck with that one third, what happens is that just the people with the small dogs are going to go there and we are going to be fooling around for another two or three years before we find another site to accommodate another dog park for the big dogs. You are putting the cart before the horse as far as I'm concerned on this particular situation.

Alderman Shea stated maybe the people who own small dogs could use it in one phase and then in another month the big dogs. They may work out some provision whereby there could be accommodations made within the context of Bass Island so that both big and small dogs could rotate, like the big boys use it one month or week and the small boys use it another. There could be some accommodation made. There are always ways of being able to solve problems if we put people in charge who can make judgments concerning what is in the best interest of the dog owners. That is the way I see it.

Chairman Osborne stated I made a motion and it was seconded and if the other three want to go against it, let me know.

Chairman Osborne called for a vote on the motion to have the dog park at the landfill. The motion failed with Alderman Greazzo, Shea and Lopez voting in opposition.

Alderman Lopez moved to authorize Bass Island as a dog park to start the process. The motion was duly seconded by Alderman Greazzo.

Chairman Osborne stated I want to say one more thing about Bass Island again. I think, in the future, you are going to put it on Bass Island and the other two thirds of that land is going to be coming to the City. I don't think the best interest, not that I have anything against dogs or dog owners, is that land for the City because it is on Second Street and it is a well travelled street and I think what's going to happen there, if the City decides they want to put some other construction on that site instead of a dog park the dog park is going to have to go for sure because you don't own it and you're not going to be there forever. That is the way I feel about the whole situation.

Alderman Greazzo stated the great thing about a dog park, Mr. Chairman, is that it is just a fence and it can move anytime.

Chairman Osborne called for a vote on the motion. The motion passed with Chairman Osborne voting in opposition.

TABLED ITEMS

7. Report of the Board of Mayor and Aldermen advising that is has requested staff to prepare documents to provide that the City agree to extend the term on the 2nd mortgage relating to Lowell Terrace Associates property located at the northwest corner of Lowell and Chestnut Streets to coincide with the expiration of the existing first mortgage in 2013.

(Note: The Committee has requested clarification from Finance as to whether financials from 1984 – 2001 have been provided; Solicitor to provide a fair market value for the property as established by the Superior Court in October; Tabled 8/04/08; The Committee requests the Solicitor to provide an updated Certificate of Insurance for the property; Retabled 12/2/08. Information to be provided by the Assessor. Retabled 7/07/09 waiting for disposition letter. Retabled 9/1/09, Finance Officer and City Solicitor to provide a final disposition letter.) Retabled 1/19/10, Mayor, Finance Officer and City Solicitor to provide a final disposition letter.) On file for viewing with Office of the City Clerk, One City Hall Plaza.

This item remained on the table.

8. Communication from Jack Baringer, Site Acquisition Manager for Goodman Networks, submitting a proposal for Clearwire to Lease City Property.

(Note: Table 1/19/10; Leon LaFreniere, Director of Planning & Community Development to work with staff and provide a recommendation.)

This item remained on the table.

9. Request to obtain lot number 611-4A Island Pond Road.
- (Note: Attached is a memo from Joan Porter regarding the Tax-Deeded property; appraisal from the Board of Assessors, if available. Tabled 9/1/09, additional information submitted by the Director of Planning & Community Development. Retabled 1/19/10; Leon LaFreniere, Director of Planning & Community Development to work with the City Solicitor and provide a recommendation.)*

This item remained on the table.

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

A True Record. Attest.

Clerk of Committee