

A special meeting of the Board of Aldermen was held Wednesday, January 11, 2023, at 7:00 p.m. in the aldermanic chamber.

President Lori Wilshire presided; Alderman Tyler Gouveia recorded.

Prayer was offered by Alderman-at-Large Michael B. O'Brien, Sr.; Alderman Patricia Klee led in the Pledge to the Flag.

President Wilshire

Thank you for stepping up as Clerk Alderman Gouveia.

Let's start the meeting by taking a roll call attendance.

Alderman Gouveia called the roll.

The roll call was taken with 10 members of the Board of Aldermen present: Alderman O'Brien, Alderman Klee, Alderman Moran, Alderman Jette, Alderman Clemons, Alderwoman Kelly, Alderman Dowd, Alderman Gouveia, Alderman Caron, Alderman Wilshire.

Alderman Sullivan, Alderman Lopez, Alderman Comeau, Alderman Thibeault, and Alderwoman Timmons were recorded absent.

President Lori Wilshire

So as is customary, I'm going to turn the Public Hearing over to Alderman O'Brien.

**PUBLIC HEARING**

**Petition for Street Discontinuance – Dozer Road – Lot A-712**

Alderman O'Brien

Thank you, Madam President. Before us this evening will be the Petition for Street Discontinuance of Dozer Road, Lot A-712. I'm going to have Mr. Prolman come up and speak on this first but if you take a look at our wonderful media screens. Let me help you orientate to the area that we're discussing. I would say purple line or the red line that is Dozer Road. So that the Aldermen will know, it's basically a dirt track. I've a lot of brush fires in my time up in that general vicinity. This is the area that's in question.

The next slide we'll be looking at what Dozer Road is. If you look at the lower right-hand corner, you'll notice a triangular piece of land. That triangular piece of land seems to be what is in question on this as we get later into our discussion. I'll let that come up when it naturally comes up in the meeting.

The next is, this is a general overview of the project that Mr. Prolman is bringing forward for us to hear this testimony on. So without further ado, I welcome Counselor Andy Prolman and please give us a briefing.

Andy Prolman, Attorney, Prunier & Prolman

Thank you, Madam President, Alderman O'Brien, members of the Board. Good evening. My name is Andy Prolman. I'm an Attorney with Prunier and Prolman, Attorneys here in Nashua. With me tonight is Kevin Walker from the Flatley Company. We had two Petitions to Discontinue Dozer Road that my partner Gerry filed in October. One of those two has formally been withdrawn with respect to Lot A-712. There are some outstanding legal issues. I'm working with Planning staff on it and that will come back to you at a later date.

We are speaking to this multi-lot what we call the "northern Dozer Road discontinuance". It has to do with the subdivision that's up on your screen that is up right now which the Planning Board approved on August 4, 2022. One of the conditions of the Planning Board approval was that we go through the process to have Dozer Road discontinued. Dozer Road has where it lays out today. It cuts through the back of the lots on the - if you can superimpose one onto the other in your heads, Dozer Road cuts on the back of the lots and in some of the roadways for the subdivision. So we had to get rid of Dozer Road.

Dozer Road just very briefly was a DOT right-of-way that was acquired over time beginning in 1964 and acquisitions by DOT carried up until 1993. It all had to do with the original building and then the expansion of the FE Everett Turnpike in this area that the State used just to run equipment and access the construction of FE Everett Turnpike.

In March of 2010, the State of New Hampshire conveyed all of Dozer Road from beginning to end to the City. It's roughly 10 acres. A portion of which has already been discontinued back in 2013. We have this discontinuance here in 2023 and we'll have a subsequent one with respect to Lot A-712 later this year. Again, the condition of approval from the City Planning Board with respect to the sub-division was to release Dozer Road as a right-of-way so the project can go forward. This section is ready to go, ready for review. We are going back to the Planning Board on February 2<sup>nd</sup>. It is our hope that we are back before Infrastructure February 8<sup>th</sup> for final recommendation back to the Board of Aldermen.

The 3,000 or 2,600 square foot little itty bitty triangle that you see there highlighted - its Lot 144-233. That is a City owned parcel. The Flatley Company has agreed to convey an easement from the end of that cul de sac that you see on the screen here over to the City owned lot. In addition, we will be talking with staff about a possible purchase of that little triangle from the City. That is being structured as a condition of the Dozer Road approval either an easement being recorded or an actual acquisition of the Lot 144-233. So we're taking care of that issue through an easement or purchase. With that Mr. O'Brien, I'd be happy to answer any questions.

Alderman O'Brien

The Chair does have one question. The first that we're going to hear is Lot A-712. That's going to be the one you're withdrawing, correct?

Andy Prolman, Attorney, Prunier & Prolman

That is. We have a formal withdrawal request submitted to the City.

Alderman O'Brien

All right. Any questions by members of the Board? Alderman Dowd?

Alderman Dowd

I think you already planned for this but evidently Dozer Road was used to access fires. So in your sub-development, you're going to have roads that will allow any fires along the highway to be reached by streets as part of your development?

Andy Prolman, Attorney, Prunier & Prolman

They're Public streets.

Alderman Dowd

Okay.

Alderman O'Brien

Further questions by members of the Board. I thank you Counselor Prolman.

Andy Prolman, Attorney, Prunier & Prolman

Thank you.

Alderman O'Brien

I do see Mr. Sullivan is in attendance. Do you wish to come forward but if the Board's all set and not requesting his presence, we can give you a break. A break it is indeed. Therefore, I will open the Public Hearing of the Petition of Street Discontinuance of Dozer Road - Lot A-712.

For the public, this Petition has been withdrawn but we're going to go through the particular motions on it. There is an

agreement with the principals of Attorney Prolman's group that they have withdrawn that Petition. So therefore I will testimony in favor.

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION - None

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION - None

Chairman O'Brien closed the public hearing on the Petition for Street Discontinuance – Dozer Road - Lot A-712 at 7:10 p.m.

**Petition for Street Discontinuance – Dozer Road – Lot A-990, Lot 132-85  
Lot A-994, Lot A-768, Lot A-68, Lot 132-1, Lot A-67 & Lot A-58**

Chairman O'Brien

Just to remind the Public this is the one that has the potential legs of going forward.

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION - None

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION - None

Chairman O'Brien

At this particular time, I will close the public hearing on the Petition for Street Discontinuance - Dozer Road - Lot A-990, Lot 132-85, Lot A-994, Lot A-768, Lot A-68, Lot 132-1, Lot A-67 & Lot A-58 at 7:11 p.m.

At this point that closes both hearings and the Board of Aldermen's participation. However, we are going in – first we have business to conduct with the guise of the Infrastructure Committee and we welcome friends of our sister committee of PEDC.

ADJOURNMENT

**MOTION BY ALDERMAN WILSHIRE THAT THE JANUARY 11, 2023, SPECIAL MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED**

**MOTION CARRIED**

The meeting was declared adjourned at 7:12 p.m.

Alderman Tyler Gouveia  
Clerk, Pro Tem