

## COMMITTEE ON INFRASTRUCTURE

JANUARY 24, 2018

A meeting of the Committee on Infrastructure was held Wednesday, January 24, 2018, at 7:00 p.m. in the Aldermanic Chamber.

Alderman-at-Large Michael B. O'Brien, Sr., Chair, presided.

Members of Committee present:     Alderman Tom Lopez, Vice Chair  
  Alderman Jan Schmidt  
  Alderman Ernest A. Jette  
  Alderman Ken Gidge

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### PUBLIC COMMENT

Frank Philbrick, 74 Mason Road, Milford, NH

Good evening. We're here again to request a number. We own the lot adjacent to 25 New Searles Road. At the onset of this, we bought the property and fixed up the house. We were made aware and worked with a building committee and zoning committee that that lot was a legally buildable lot. At some point in its history the number that was originally signed to it was 27 and then moved over. We started the request to get it numbered so we could build a residence there benefiting the community and cleaning up that lot. It has a bunch of overgrowth. It looks like heck. We were trying to head down the path of getting it in a position where we could put a house on it.

As a result of the 911 structure that the state is looking at doing, the Fire Marshal and the street numbering folks told us that we could not have 25 or a variance of 25. We ended up having to go through the channels to get to where we are today with you to get a number assigned. Our initial request was for 25A or 25 ½ or 25.01, or any variant thereof. We didn't want to bring any undue hardships on the folks that now use 27, who were originally 29. Through this process, unfortunately, Mrs. Allard created a lot of anxiety. That was partially addressed at the last meeting you had. When we started to see that the majority of the attendance and participants at that time were kind of leaning towards the 25A, that fell right into our original request.

After we left the meeting here, we met with Allards, the son of Mrs. Allard, because we went from here to the property. He came over and we chatted for a spell. I said we'll just ask to please give us 25A and be done with it.

Alderman Jette

If I understand you correctly, you don't care what the number is as long as you get a number and you can proceed? The 25A is fine with you?

Mr. Philbrick

It's preferred with me, yes. Or, I should say us. This is my team.

### ELECTION OF COMMITTEE CLERK

**MOTION BY ALDERMAN LOPEZ TO NOMINATE ALDERMAN SCHMIDT AS THE COMMITTEE CLERK  
FOR THE 2018-2019 TERM  
MOTION CARRIED**

**MOTION BY ALDERMAN GIDGE TO CLOSE THE NOMINATIONS**

**MOTION CARRIED**

**VOTE ON ALDERMAN SCHMIDT AS COMMITTEE CLERK  
MOTION CARRIED**

COMMUNICATIONS – None

PETITIONS

Street Re-Numbering Petition (25 New Searles Road and 27 New Searles Road)

- Postponed to the 1<sup>st</sup> mtg in January, 2018

**MOTION BY ALDERMAN O'BRIEN TO RECOMMEND THAT THE BOARD OF ALDERMEN GRANT THE STREET RE-NUMBERING PETITION, IN PART, WITH THE STIPULATION THAT SHEET B, LOT 1058, BE ASSIGNED THE STREET ADDRESS OF "25A NEW SEARLES ROAD" AND THAT THERE BE NO ADDRESS CHANGE TO SHEET B, LOT 59**

ON THE QUESTION

Chairman O'Brien

The petition standing before us is a Street Re-Numbering Petition, 25 New Searles Road and 27 New Searles Road. This was postponed to the first meeting in January, 2018. In front of you, you have a piece of paper. It is some of the material that was brought up in the December meeting to the Board. What seems to be at issue here is the person that lives at 27 wishes to keep their number 27. Mr. Philbrick, who has testified before the committee, is involved with the purchase both lots and wants to turn the vacant lot into a lot with a structure on it. What seems to be at issue here is the State Emergency E911 system, which they like to have the numbers put out. It can be done in other places across the state fairly easily when you have two acres between houses, but here in Nashua our congestion leads us into a different type of format. There are other places in the City of Nashua with similar circumstances where there is the number A or 25 ½. I have had experiences with this in my previous employment being on the fire department. What is at issue here we have two good people before the Board: one, the petitioner who wants to build on this lot and he has the right to do so. The Infrastructure Committee recognizes that. However, it does come to a cost to Mrs. Allard who lives at 27 to change her address and all the other work that needs to go along to do that.

In looking at trying to come up with a compromise that all parties could come to some agreement with, I came up with my motion to recommend that the aldermen will grant the street renumbering petition, in part, with the stipulation that Sheet B, Lot 1058, and that the lot between 25 and 27, be assigned the address of 25A. That seems to be amicable to both Mrs. Allard and Mr. Philbrick.

Who has the final decision? The Board of Aldermen has the final decision on this. I'm going to ask on the vote on my motion, and we will push it forward to the full Board of Aldermen at that point. I will open it up for discussion on my motion. May I also bring up that the motion sitting before you replaces the petition.

Alderman Lopez

I just want to remark for the record that the communication that we have before us is not a new communication. It was received in our Committee on Infrastructure meeting on December 13, 2017. I was on the committee at that time. Ms. Allard was particularly concerned about the personal expense that might be accrued in having to change all her paperwork, her deed, the address on it. There would be a financial cost if we insisted that this be 25, 27, 29. She has also lived at her location for years, and asked us in good faith if we could consider a different option. If she wants to keep her number, and it has been her number for all of these years, and Mr. Philbrick is open to accepting 25A, I feel we can honor both of those requests.

Alderman Gidge

Being a fireman, is that acceptable to yourself and 911?

Chairman O'Brien

I think 911 and possibly the Fire Marshal may have some disagreement because they like to have everything schematically. The trouble is we are a city that existed prior to the 911 system and telephones. The neighborhood we are talking about I think was built approximately in the late sixties, around 1969. That predates the 911 era. Everything prior to the 911 system, we have some. There's some in the French Hill neighborhood and also some down on Chestnut Street and other areas of the city. If this becomes a futuristic issue, the Infrastructure in the future can sit down and look at all these properties and maybe make the one particular change at one time. This is why I am kind of comfortable with this. I would say our fire department is a good fire department. I think you may heard that they did a wonderful job last night. There was a fire last night. I have high expectations that they will be able to conquer a street address of 25A.

Alderman Gidge

They should be the commended by the way. It's not good weather out there. That would be my concern. And is there enough separation that there will be no confusion?

Chairman O'Brien

I don't anticipate it. If you look at the map, if there's mail confusion and that's probably would be the greatest type of thing, the mailman delivers on a daily basis so I think he can figure it out within the first week. If you look, they are close together. There's no gaps by another street or any natural boundaries. It would read 25, 25A and 27 as we go down from the top of the screen here. I don't anticipate any type of problem.

Alderman Jette

When I reviewed the petition and the documents that were attached that were submitted to the previous Board of Aldermen and viewed by this committee back in December. I saw that there was a memo from the City of Nashua Addressing Committee. The memo is from the Fire Marshal, Captain E.Z. Paulson – I assume he is a fire captain.

Chairman O'Brien

Actually, I think he is from the police department.

Alderman Jette

Okay, And P. Andruskevich from the GIS Tech. That's the mapping software, I believe. Sarah Marchant, the Community Development Director. M. Wilkins, the City Planner, and Celia Leonard from the City Attorney's Office. They all explained the history of these three lots: 25, the vacant lot and what is now lot 27. They explain that when this subdivision was originally approved back in 1970 or so, the lots that are numbered 25, the vacant lot and the lot that is now 27 was then assigned 29 New Searles Road and the following one is 31. Back then it was logical: 25, a vacant lot reserved for 27, 29 and 31. The memo says that the owner of what now has the address of 27 New Searles Road started for some unknown reason using the number 29. Someone in the previous title of the present owner, for some unknown reason, started using the wrong number and that left us with the problem that we have now. This addressing committee said that to be E911 compliant, and I don't know why, but they don't allow addresses of As and halves, or whatever, so to be 911 compliant, they recommend that we go back to the original addresses. The vacant lot would be 27 and what is now 27 would go back to its original designation of 29.

I understand the desire to try to reach a compromise that is acceptable to everyone, but has this addressing committee been involved? Have they been consulted about this amendment that you are proposing?

Chairman O'Brien

I take great comfort in the second paragraph. If you look at the sheet that you are referring to. "In accordance with RSA 231:133-a and NRO 190-213, the Board of Aldermen have the sole authority to assign or alter address numbers of buildings and other property along any public or private way in the municipality." Continuing on: "The New Hampshire Addressing Standards Guide, developed by NH E911 defines the universal safety standards for addressing in NH." I am going by the state RSA and our own ordinances. My motion is to go against the guide, which is a guide in my interpretation.

Alderman Jette

Is your answer no, they have not been consulted about this change and they have not agreed to this change?

Chairman O'Brien

Some of the people who you see on the top of the header have been advised and are in support of this. When you write a motion, an ordinance, you get it clarified through legal too. This was out of contact with our legal department as well.

Alderman Jette

I am still left with a concern that we are trying to become 911 compliant.

Chairman O'Brien

Not to keep rehashing it, but there are other places in the city, many places in the city that this just fits into the pot so to speak for lack of a better term. Will those need to be addressed in the future? The answer is yes. We're not reinventing the wheel on this one. There are other places within the municipality of the City of Nashua that do have this type of numbering structure. This just goes into the mix. Like I say, I took it upon taking into account something that seems to be amicable to both the petitioner and to the longstanding resident of 27. This makes it somewhat harmless to all parties involved and everybody seems amicable to it, which is why thus I came up with that motion.

Alderman Lopez

I just wanted to reiterate that the letter we are talking about from the previous meeting is the same one that we had on our desk and that the reasoning at the time on the Infrastructure Committee was that this could potentially create an inconvenience for the woman who is living there because there is a tangible cost to her changing all the documents involved. In contrast what the addressing committee was describing is the City of Nashua is not E911 compliant yet. We are in the data collection stage of possibly being asked to consider becoming that. Even in that circumstance, we still have the authority to number our streets and our houses the way that we want. Further down in the paragraph it does clarify that this is something that is down the road. It is on the radar and they are aware of it and that's what their determination was. But everybody on the addressing committee also has access to these public records, works for the city in some role or the other, and they are fully aware of the discussion we had at the Infrastructure Committee too. They are also aware of the request for 25A because I believe, as Mr. Philbrick pointed out, that was his original request. The recommendation to change it to 27, which represents that inconvenience to the person currently living there, came from the addressing committee. We have the authority to do this. It's not going to tip on any current situation. It's just a potential future situation down the road that may happen. We would be inconveniencing someone who has lived at that house for I believe 27 years, whereas they have reached an agreement. The builder and the neighbor are in collaboration with this and in accord. I don't see why we would need to create

friction between people just to make sure that we have whole numbers and round results. I think the fire department can find it if there's an emergency.

Alderman Gidge

I do understand where the other alderman is coming from, but we're a friendly city. If this is the easier and the less expensive, I believe we should do what we can do.

**MOTION CARRIED**

UNFINISHED BUSINESS – None

NEW BUSINESS – RESOLUTIONS - None

NEW BUSINESS – ORDINANCES

**O-18-001**

Endorser: Mayor Jim Donchess

**PROHIBITING PARKING ON BOTH SIDES OF THE ENTIRE LENGTH OF FRONT STREET**

Chairman O'Brien

Is everybody somewhat familiar with Front Street? Let's see if we can get this up and take a gander at it. I'm looking for #30. If we look here, you will see from Franklin Street where my cursor is this is Front Street. This is the bridge that goes over the Nashua River. You can see Franklin Street with the church. It's your first left off Franklin Street. It feeds into the development. This parcel of land right here is Cotton Mill Square. If you look particularly over here, there is a railroad track. There is no other entrance and exit out of this particular property. It is an accepted street, however, it is narrow. The Mayor has made the petition to prohibit parking on both sides of the entire length of Front Street. I would venture to guess it has more to do with the concerns of moving in ambulances, fire apparatus, snow removal and other different needs that would encumber those jobs to be done by having parking on both sides of the streets.

The current developer, Brady Sullivan, of Cotton Mill Square is in favor of this ordinance to prohibit parking on both sides of the length of Front Street.

Alderman Lopez

This is the first time I've seen a motion to make a change that hasn't been accompanied by some comment by the city department explaining why. Typically my default to look for information would be go ask the people living there. I don't think anybody lives on that road except for Cotton Mill which has parking. Is there anybody living there that would be impacted by this?

Chairman O'Brien

The back part I think is still some commercial property and everything as the whole area gets developed in the future. I would be remiss to say that I did receive a phone call from our Director Tim Cummings. He could not make it this evening. He was prepared to come in and do the presentation. Again in my communication with him basically, as I opened up, is for the concerns for emergency access to the property with the only street that goes in there and it is supported by Brady Sullivan. Those were the points that Director Cummings wanted me to bring up to the committee.

Alderman Jette

I took a ride over there to look at it. I noticed that we have a boat ramp going into the river. There's a trail that's not shown on this map. There's a trail that come down from Front Street. If you go from Franklin Street across the railroad tracks and you see that first line that's between Front Street and the river, approximately in that location there's the electric substation. Next to that there's an entranceway to a boat ramp for people to access the river. It says temporary parking to load or unload your kayak or your canoe only. Where are people going to put their cars after they unload their kayak is a question I have. If Brady Sullivan is in favor of this, on the other side of Front Street they have a parking lot. Would they be willing to allow public use of that parking lot to access the boat ramp? Otherwise, where are people going to park while they are using the river?

Chairman O'Brien

I commend you, alderman, for doing your homework. It is very impressive, and I hope others are and that we do get a chance to look at these areas as they come up. It is an important part of the work with this particular committee. I don't have a complete answer for that. In my former career, I was Deputy Chief. One of my duties as Deputy Chief was being in charge of the dive team. I don't know if that was completely a municipal boat ramp or not. We did not use it a lot because it was in kind of disrepair to some degree. We did have it as some part of our emergency access. The one that we really liked to use was in the mill yard mall which is probably west of the Broad Street Parkway in this particular area. The owner of that property did allow for it for emergency use by the fire department and dive team and that seemed to be the better location to launch the boat. I think your questions are warranted and have merit, but again when that was designed as a boat ramp there wasn't the amount of residential traffic that is going down Front Street at this time. I think what the Mayor is asking us with this ordinance is for the higher level of public safety to guarantee that there will be enough access for emergency vehicles. The questions on the boat ramp, I think is going to have to be asked possibly by somebody else. I don't know if that really officially exists as a boat ramp.

Alderman Lopez

I think the point is well taken though because I don't know if it's a boat ramp or not either, but I have seen the public using it. That would be a good question to have asked especially since we don't have the actual presentation from Director Cummings. The request didn't come from police or fire; it came from the Mayor or Director Cummings. There may be more here that we don't know. I don't know if anybody is going to be using the boat ramp in the next couple of months, but I do know that we could potentially have a fire emergency. I think it would be safe to at least table this until our next Infrastructure meeting so we can get a full scope of what we are doing here.

Chairman O'Brien

I don't see any particular problem with tabling this. I don't see it being that acute.

**MOTION BY ALDERMAN LOPEZ TO TABLE UNTIL THE NEXT INFRASTRUCTURE MEETING**Chairman O'Brien

There's usually no discussion on a tabling motion.

Alderman Gidge

I have a question.

Chairman O'Brien

I'll allow your question.

Alderman Gidge

Is it designated as a boat ramp? Many times they are used. The main concern is fire obviously. As the city gets larger and more people come in, there's a few things we have to straighten out and this is probably one of them because you can't have anyone parking on that street with fire trucks going down. It's almost impossible.

Alderman Jette

Could I, if you are allowing further discussion? Are you rolling your eyes, Mr. Chairman?

Chairman O'Brien

Usually when there's a motion to table, which is an undebatable motion ...

Alderman Jette

I know usually, but you seem to be allowing further discussion

Chairman O'Brien

Let's go back to undebatable. I know everybody is relatively new to the Board, but I'm going to see if we can try to keep some decorum and order. There is a motion to table. If people should so choose to discuss it further, there is no problem with voting against the tabling motion and have further discussion on it.

**MOTION CARRIED**

GENERAL DISCUSSION

Alderman Lopez

As the Committee on Infrastructure, I think it may be a major focus of this year to be paying attention to the infrastructure we have in terms of sidewalks and how it is impacting traffic in the city, particularly because some of the infrastructure decisions we've made regarding the sidewalks. There's a lot of public requests for DPW to clear certain sidewalks or to do a better job. That's not really a discussion that we can even reasonably consider even in specific areas if the infrastructure for the sidewalks is so cluttered with objects or the width of the sidewalks are so narrow that you can't reasonably clean them. Then in the summer when there isn't ice and rain and all that kind of stuff, we still have degrading sidewalks as well.

Last year and the year before we really tackled the issues of road paving for cars. I just want to know the committee's thoughts on trying to focus on sidewalks and pedestrian safety as well. We have, in the past, heard from Sarah Marchant regarding the complete streets study that was done, I think, in 2016. They studied the density of people walking in different areas, the state of repair of different road areas. That sort of just fell by the wayside. We really haven't integrated that into a master plan or updated the city's Master Plan. I think there is work the committee could do here to try to figure out what is the actual scope of need, what are our reasonable ability to meet that need, and then if there's a gap, what should we do about that.

Chairman O'Brien

When you issues with sidewalk plowability and everything else like that, I would refer that you ask the question to legal and then bring it up perhaps before the Board because I know there are other communities that if you do not shovel the sidewalk that you can be cited in violation. I have never heard or seen that done in the City of Nashua. I don't know if that's one of our statutes or not. Therefore, to get into that type of discussion on that matter, I think is going to require some research. I would probably pose a question to legal on that.

Alderman Lopez

I would invite legal to be present to this committee because it's my understanding in speaking to them recently that there is a city ordinance about shoveling sidewalks, but it is unenforceable because there is state legislation that prohibits it. You can't actually tell anybody to shovel a sidewalk that's a private citizen or business. The question kind of becomes the people of Nashua are asking who can clean our sidewalks. The city can't do anything in two out of three categories. They could opt to do certain areas. For example, areas with particularly dense population of elderly people but we can't even reasonably approach that question until we understand the condition of our sidewalks and where people are using them the most.

Chairman O'Brien

Is it correct to assume, alderman, that you are requesting legal to appear to answer questions on the sidewalks?

Alderman Lopez

As well as Director Marchant and possibly DPW because I think they would have valuable input that this committee could consider.

Chairman O'Brien

Okay. Could the clerk reflect that on the minutes that there's a request from Alderman Lopez that Director Marchant and a member of the city Legal Department, if they would be so gracious to join us at the next Infrastructure meeting to discuss Alderman Lopez's questions.

Alderman Lopez

I think my greater sense is that we need a plan. There has to be an informed plan. I would like to be informed.

PUBLIC COMMENT

REMARKS BY THE ALDERMEN

Alderman Lopez

I just wanted to announce that there's a pancake breakfast this Saturday at the Boys and Girls Club. It's called "Pancakes for a Princess." It is to benefit a handicapped little girl and their family's effort to try to get a handicapped van so she can move around. For more information, you should be able to find that on the Boys and Girls Club's page.

Alderman Gidge

I do want to apologize. I know from up at the State House when there's a table motion. I'm sorry for speaking out. I apologize.

Chairman O'Brien

And, I, too. This is my first time as alderman chairing. I think we all are going to get our feet wet together as we go down. I think we have a good committee here, and we'll get it done for the citizens. That's the important thing. We'll catch up to better speed.

ADJOURNMENT

**MOTION BY ALDERMAN LOPEZ TO ADJOURN  
MOTION CARRIED**

The meeting was declared closed at 7:40 p.m.

Alderman Jan Schmidt  
Committee Clerk



**City of Nashua**  
**Addressing Committee**  
229 Main Street  
Nashua, New Hampshire 03061-2019

Planning 603-589-3090  
Fire Marshal Office 603-589-3460  
GIS Department  
Nashua Police Department  
Legal Department

**Street Re-Numbering Petition**

To: Aldermen, Alderwomen and Mayor Donchess

From: A. Pouliot, Fire Marshal; Captain E.Z. Paulson; P. Andruskevich, GIS Tech.; Sarah Marchant, CDD Director; M. Wilkins, Planner I; Celia Leonard, Esquire.

RE: Sheet B/Lot 59, 27 New Searles Rd and Sheet B/Lot 1058 L New Searles Rd

The Assessing Department and Building Safety Property Account files have a limited amount of history dating back to 1970, at which time the neighborhood was developed by Hilton Development Inc. /Hilton Homes. In 1970 the lot currently addressed 27 New Searles Rd was identified as lot 59, and given the address of 29 New Searles Rd. The address within the Assessing records continued as #29 until 1978 when the owner started using #27 as their mailing address. The vacant lot (Lot 1058) has always been owned by the owners of 25 New Searles Rd since it was created in 1969.

In Accordance with RSA 231:133-a and NRO 190-213, the Board of Alderman have the sole authority to assign or alter address numbers of buildings and other property along any public or private way in the municipality. The New Hampshire Addressing Standards Guide, developed by NH E911 defines the universal safety standards for addressing in NH. The City of Nashua has not yet started the process for becoming E911 compliant, but has been notified that the Department of Safety, Division of Emergency Services Bureau is in the Data Collection/In Progress stage in Nashua. A complete listing of the 200+ municipalities that are E911 compliant is listed on the Bureau's website.

It is this Committee's strong recommendation to continue to move forward in a way that will not create a noncompliant situation for future residents. We recommend that Sheet B/Lot 59 be assigned the new address of 29 New Searles Rd, and that Sheet B/Lot 1058 be assigned the 27 New Searles Rd, indicated by the attached map of the neighborhood.

Respectfully submitted

To: Board of Aldermen – Nashua NH  
Community Development Dept – Nashua NH

Subj: Petition for Street Number Assignment for 25 New Searles Rd., Nashua NH  
parcel 2 (lot 11)

Date: Oct 23, 2017

My name is Frank 'Bud' Philbrick and my Company, Leo Minor Property Group LLC is the current owner of the property located at 25 New Searles Rd Nashua. I was directed by the Fire Marshall Adam Pouliot to contact the Board of Aldermen to resolve an issue.

25 New Searles Rd is comprised of 2 parcels, lot 9 is parcel 1 and lot 11 is parcel 2. Lot 9 has a house on it and lot 11 has no existing structure. Per the Zoning department, lot 11 meets all the requirements to build on and I would like to be able to put a house on that lot. We are running into a street numbering issue and the States E911 ordinance requiring sequential, whole numbers be assigned to new construction. Lot 11 parcel 2 was never numbered and to comply we need a number.

The Fire Marshall recommended I chat with the owner of #27 New Searles Rd to see if they would be willing to change their house number from #27 to #29, #29 is not in use on our street. After a letter and several discussions between Oct 12<sup>th</sup> – 15<sup>th</sup> 2017, the owners of #27 refuse to change their house number, so the next step is to petition the BOA for review.

Owners of 27 New Searles Rd Nashua NH per the tax card:

Jay F Allard

Kathie O'Neill

Tax Card Info: 0000B-00059 Acct: 9504

Thank you

Frank Philbrick

Leo Minor Property Group LLC - Manager

74 Mason Rd., Milford NH 03055

603-732-6701

[bud@LMPG-LLC.com](mailto:bud@LMPG-LLC.com)

Attachments:

- Copy of Deed
- GIS assessing map of New Searles Rd, Nashua NH
- Tax Card – Lot New Searles Rd Nashua NH  
0000B-01058 Acct: 4458

  
John J Citrino, Notary Public  
My Commission Expires  
July 19, 2022