

PENNICHUCK WATER SPECIAL COMMITTEE

FEBRUARY 2, 2021

A meeting of the Pennichuck Water Special Committee was held Tuesday, February 2, 2021, at 7:00 p.m. remotely in accordance with Governor's Emergency Order #12 pursuant to Executive Order 2020-04.

Chairman Laws

As Chairman of the Pennichuck Special Water Committee, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that we are:

Providing public access to the meeting by telephone, with additional access possibilities by video or other electronic means:

To access Zoom, please refer to the agenda or the City's website for the meeting link.  
*To join by phone dial: 1-929-205-6099 Meeting ID: 854 4507 4348 and Passcode: 133574*  
*The public may also view the meeting via Channel 16.*

We previously gave notice to the public of the necessary information for accessing the meeting, through public postings. Instructions have also been provided on the City of Nashua's website at [www.nashuanh.gov](http://www.nashuanh.gov) and publicly noticed at City Hall and Nashua Public Library.

If anyone has a problem accessing the meeting via phone or Channel 16, please call 603-821-2049 and they will help you connect.

In the event the public is unable to access the meeting via the methods mentioned above, the meeting will be adjourned and rescheduled. Please note that all votes that are taken during this meeting shall be done by roll call vote.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please also state whether there is anyone in the room with you during this meeting, which is required under the Right-To-Know Law. The roll call was taken with 4 members of the Board of Aldermen present: Alderman-at-Large Brandon Michael Laws, Alderman Richard A. Dowd, Alderman-at-Large Lori Wilshire, and Alderman-at-Large Michael B. O'Brien, Sr.

Alderman Skip Cleaver was recorded absent.

Also in Attendance:

Alderman Patricia Klee  
Alderman Linda Harriott-Gathright  
Celia Leonard, Deputy Corporation Counsel  
Larry Goodhue, CEO, Pennichuck  
Don Ware, COO, Pennichuck  
Thomas J. Leonard, Director, Pennichuck Corporation  
George Torres, Pennichuck Corporate Controller & Treasurer  
John Boisvert, Pennichuck Chief Engineer

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ROLL CALL

Alderman O'Brien

Alderman-at-Large Michael O'Brien is present, I can hear the proceedings and I am alone.

Alderman Wilshire

I am here, I can hear you and I am alone.

Alderman Dowd

I am present, I can hear everyone and I am alone.

Alderman O'Brien

We are going to skip over Alderman Skip Cleaver, not present as of yet.

Chairman Laws

I am here, I can hear you and I am alone.

Alderman O'Brien

Ok, we have 4 members present. Also in attendance is Larry Goodhue, CEO of Pennichuck. Is Don Ware also present?

Alderman Dowd

Yeah.

Alderman O'Brien

OK Don Ware, COO of Pennichuck. Thomas Leonard, Director of Pennichuck Corporation and anybody else, Mr. Goodhue, you want to recognize from Pennichuck?

Larry Goodhue, CEO Pennichuck

Yes why don't I give an introduction to all members.

Alderman O'Brien

Absolutely, thank you.

Mr. Goodhue

So myself, Larry Goodhue, I am in the CEO and CFO of Pennichuck. Mr. Donald Ware is the Chief Operating Officer for Pennichuck. Mr. Jay Leonard who is the Chairman of the Board of Pennichuck, Mr. George Torres who is the Corporate Controller, Chief Accounting Officer and Treasurer of Pennichuck and Mr. John Boisvert who is the Chief Engineer of Pennichuck. Those are the members from our management team and Board that are in attendance.

Alderman O'Brien

OK I would also like to say to the Chair, also in attendance is Alderman Patricia Klee and Alderman Linda Harriott-Gathright and also from the Corporate Counsel Office for the City, Cecelia Leonard.

Alderman Dowd

And Mr. Chairman, if I could, I am going to introduce a couple of other people that are on. We have Sam (inaudible) from Harriman; Steven Boudreau that is involved in the development of the intersection on Manchester Street and I think that's it from that group. Alright.

Chairman Laws

Thank you Aldermen. Before we get to Communications, Alderman Dowd, would you like to discuss what we spoke about earlier on the phone?

Alderman Dowd

Yes, yesterday we had a meeting with I'm slipping my mind, Steve, what is the name of your company?

Steve Boudreau, Vanasse & Associates

Vanasse & Associates.

Alderman Dowd

Vanasse & Associates, thank you. They are designing the intersection on Manchester Street with the new Pennichuck School. I had sent out to the members of the Pennichuck ... in order to make the intersection work the best, we would need to encroach on the Pennichuck land about 2 or 3 feet. I think that, Steve if you want to just cover it real quickly, what we need from the Pennichuck is just the, we don't need a vote tonight, we just need to see if the concept is OK with the Pennichuck on getting an easement on that small piece of land. And if that's true I can Celia smiling already, we will have an easement drawn up and get that into the design process. Steve?

Mr. Boudreau

Thank you Alderman Dowd. I will be happy to share a couple of drawings with you. If I may share the screen Aldermen.

Alderman Dowd

It's ok with me, who – IT?

Alderman O'Brien

If I may as Clerk, since it is a different group here, when each one speaks such as you Mr. Boudreau, can you say your name again so that the minutes can be properly transcribed? Thank you.

Mr. Boudreau

Certainly Alderman O'Brien. My name is Steven Boudreau, I work with the firm Vanasse & Associates as Alderman Dowd pointed out, we are the design engineer under contract to the City to prepare the drawings associated with the Pennichuck Middle School site. It involves the intersection of Manchester Street at Ferry

Road and the proposed Pennichuck Middle School site drive. I'll share my screen now and walk through. Can everybody see this?

Alderman O'Brien

Yes.

Mr. Boudreau

So what you are looking at it's very simplistic alignment graphic. This is Manchester Street heading from the south where to the left it intersects with Route 3 and heading towards the North.

Alderman Dowd

Henry Burke.

Mr. Boudreau

Yeah and Ferry Road intersection, this is approximately 700 or 800 hundred feet from Route 3 to this intersection. This would be the new intersection with the Pennichuck Middle School site here. This is the Pennichuck Water Parcel. This is the existing right of way line as I am tracing here. And as we come up here it actually goes underneath this red line here. Let me undo what I just did. And then it continues up. And the right of way is right along here. What I am going to walk you through tonight is as you probably are all familiar with; Pennichuck Middle School is under development in terms of design. We just recently got survey in and we are in the middle of preparing the 25% design plans. Up until this point, we had prepared concept plans for the proposed alignment and improvements on Manchester Street in order to accommodate the School access. What that includes is, today there is two lanes out on Manchester Street today, one in each direction. What we are proposing to do is widen this section of Manchester Street here to accommodate a new left turn lane. That'll be coming into the Middle School.

In order to do that we need to widen the roadway from its existing curb lines which are here and here and we have to do that inside an existing pinch point on the right of way. And, again, we just got our survey in over the last 3 or 4 weeks. We have now determined that we have a pinch point here on this corner property and we have a pinch point here which is this line against the Pennichuck Water. In order to fit this new left turn lane and in order to make it long enough to meet the traffic requirements which are at least 85 feet in length in order to provide for the correct, appropriate storage for left-turning vehicles; in other words somewhere around 3 to 4 vehicles queueing. We would need to actually push the alignment slightly towards the Pennichuck Water site.

What is outlined in red here is the proposed easement that we would be looking for. What this easement does is this part of this easement is just simply traced over the existing right of way line here. And then what I have done is I have offset that 2 feet from the proposed new edge of roadway, that dark black line would be the proposed edge of roadway. My assumption is and I have not reviewed this obviously with the City Engineer but would typically the City would like at least a 2 foot offset from the proposed edge of roadway to the proposed new edge of easement. So this easement ends up being somewhere in the range of approximately 5 feet in width at its fattest point down to zero here where it ties back into the existing right of way. And then down here it is offset 2 feet off the edge of the road.

All in all it is approximately 500 square feet, approximately 150 feet in length again as I said at the fattest point it's roughly about 5 feet wide. What might be of interest to Pennichuck Water is your existing fence line is here based on a survey I received. And then it comes right against the right of way. So there would need to be some fencing that would need to be relocated, probably from this point here to here and your existing water line, which I know is probably a sensitive issue is here along this point here.

Based on what I have laid out here, the roadway and the widening would come within approximately, depending on how ... about 7 ½ feet to the waterline. So that when we move this new (inaudible) over we are going to be within 7 ½ feet plus or minus of that water line. I thought that might be an important note for you guys to know. Other than that, that in a nutshell that's kind of what we are looking for in order to accommodate the roadway.

#### Alderman Dowd

And the moving of the fence would be taken care of totally by the project cost, no cost to the Pennichuck. If the Pennichuck is amenable to this we would have the proposed easement drawn up working with you guys and our City Attorney. And we would like to do that if it is amenable to Pennichuck we would like to do that as quickly as possible so they can go from 25% design to the 50% design. I guess it is – Larry do you have any questions or concerns?

#### Mr. Goodhue

This is Larry Goodhue speaking and I am going to actually have Donald Ware speak to the specifics relative to the right of way and the setback from the water main. On the high side I guess I might say the cost of adjusting this and as you have mentioned Alderman Dowd would be upon the City for moving and relocating the fence. We would probably also have a couple of hours of Attorney fees to review these, the document which would be a cost that would be borne, like it would be with any customer that we have in any territory that we have. We use a local attorney, his rates are very minimal, just enough time for him just to do a review of the easement documents that are drawn up so that we have done the proper things, you know, fiducially. So I guess I would just ask Mr. Ware if you would just unmute and then just share your review of this, this afternoon relative to what is being requested.

#### Donald Ware

Sure. So this plan has changed a little since the one that was sent to us this afternoon where the original easement was approximately 3 feet wide and longer but you know, 3 or 5 feet, the real key here is not the road from the water main because we have water mains under roads all the time. We repair them under roads all the time but the location of the fence relative to the water main and allowing enough room to complete work on the water main. And again without a scale there it looks like as long as we can locate the fence right on the back or along the backside of that easement, which again is only 2 feet off of the edge of pavement, then that pinch point right where you have got the hand right now gets us about, it appears to be maybe 7 foot of clearance from the center of the water main and the fence, alright so it's not even quite that. So again, what is going to happen if we have to do a repair there, that fence is going to have to come down.

That's a brand new water main so I could say, not a concern for us but we certainly couldn't have a fence any closer than that. If we had a water main break in that area again likely the fence would be under line, maybe part of the road that again happens in the past. So normally we require 10 feet from the center line of a main that size to the edge of a fence to ensure that we can excavate on enough on the side of the main to do the repair and get shoring in. That doesn't exist here but it would be our fence so again less of a concern, the issue of fence damage so I think we can work with it, we certainly wouldn't want to see it any closer. And again that would, you know, we would want to be able to make sure we can get the fence right on the backside of that easement. That wouldn't be an issue with somebody wanting more than 2 foot setback from the edge of the road in that case.

#### Alderman Dowd

I think that in the easement we would be responsible if for some reason you had to take that fence down or work on the pipe, hopefully that doesn't happen in any of our lifetimes since you just put it in.

Mr. Ware

If it does we are in trouble.

Alderman Dowd

Probably more trouble than the cost of moving the fence. So we would be responsible for moving the fence and all the costs. I guess at this point, Attorney Leonard would you see any issues?

Celia Leonard, Deputy Corporation Counsel

Just some clarifying things, I mean moving the fence in the first instance I guess would be it. But after that, I mean are we looking at what's being proposed? That if it needs to be moved for excavation in the unlikely event that the City would have to do that, I'm assuming not?

Alderman Dowd

Well it depends on how the Pennichuck and their lawyers want to write it. It's a small risk.

Attorney Leonard

But I am writing it.

Alderman Dowd

Yeah I know you are going to write it.

Attorney Leonard

So I know how I will write it. I'm just trying to figure out what you are promising.

Alderman Dowd

Yeah so whoever in the office is going to write it will work with the Pennichuck and then we will bring, I guess we have to bring the Legislation to the Board of Aldermen for approval?

Attorney Leonard

Yes.

Mr. Ware

So I think as you mentioned Alderman Dowd, you know, one of the things here is we are not looking for any compensation for this. We usually work, you know, we've done this in other communities. But we have here protected is the PUC would expect us to, you know, just what you mentioned. So if the fence for some reason had to be you know taken down so work could be performed to repair that water main in the future, that the cost of you know removing the fence and putting it back up would be borne by the City, you know, so the ratepayer at the end of the day isn't paying for that. And the Commission would look for something like that in this case where there was no compensation for the easement and we are putting (inaudible) at future risk. But like I said, it is way down the road. So hopefully that is something we can work out and make work.

Attorney Leonard

Definitely, It sounds like we do need a City Engineer review of this as well.

Alderman Dowd

Oh yeah, Vanessa is working with Dan Hudson and the traffic engineer, Wayne Husband. And so they will put together the nets and bounds of the easement and then we will draw it up and get everybody's holy water blessing on it and take it to the Board of Aldermen for final approval. So tonight we just wanted to get a nod of the head that there wasn't any big issue with the Pennichuck; that we can work this out.

Mr. Goodhue

Alderman Dowd, this is Mr. Goodhue again and I guess that the main point I think that needs to come forward on that is when the City Engineer does review it, one of the things that Don Ware mentioned was is we don't want that line to get any closer to the water main. So that would be the most important point. I think, you know, based on what we are looking at here, based on what we are all agreeing to passively as far as you know the movement of the fence, the future cost of that; if and when that should occur we hope it never does, but that would be probably the biggest concern we would have is that that doesn't further encroach on the water main itself.

Alderman Dowd

Yeah that's where the major and only shareholder, I think we can work this out.

Mr. Goodhue

And not for nothing Mr. Boisvert has told me that there is an easement that we are actually seeking from the City on the Pennichuck School Property for which, again, we would pay all the costs of granting that easement. And Mr. Boisvert if you want to weigh in on that because I think it is germane to the overall project at this juncture.

John Boisvert, Pennichuck Water Works

Certainly Larry this John Boisvert from Pennichuck. Mr. Dowd and I had a conversation regarding, I think it is the new Middle School that is being built and the water main that's going to be servicing that. That would be something where we would, you know, be needing an easement there. We would hand you guys all the paperwork and everything for your approval. I think I still owe you is kind of a draft I think you were requesting of that, but I we can get that over to you.

Alderman Dowd

We have a little while before we start that.

Mr. Boisvert

For once it would be nice to be ahead of things.

Mr. Goodhue

And that's the reason I bring that point up is, you know, we deal with easements on a regular basis within the utility. And we treat all of third parties and customers on a consistent basis in compliance with PUC Regulations.

Alderman Dowd

So the other part is the fence that runs down by the parking lot in Pennichuck. We are going to be getting an easement from Hayden Greens to put the fence on their property and we are going to be replacing that fence. We will be responsible for the land and the fence; that's another easement we will write but we don't need that right now.

Alderman O'Brien

Mr. Chairman?

Alderman Dowd

Yes. Oh sorry that's Brandon.

Chairman Laws

Go for it Alderman Dowd.

Alderman O'Brien

Mr. Chairman, I would like to ask a question at this time to Attorney Leonard. Are we as far as the easement goes, are you authorized to do this. And the reason I ask is because the School Board is its own duly elected Board and they maintain the property. So in their maintaining of their property is it the Board of Aldermen or is the School Board that may need to be asked as far as this easement goes?

Alderman Dowd

Well as far as the approvals Mike, this is under the auspices of the Joint Special School Building Committee right now which is, and we have that authority, it was passed to us from the School Board. As far as maintenance concern, this is going to be part of Manchester Street which is part of DPW that is why I work with Dan Hudson. The property is not going to be owned by the School. So they don't have anything to do with it.

Alderman O'Brien

OK, Attorney Leonard do you want to chime in?

Attorney Leonard

No, I think – yeah where this going to be, that actually was one of my questions if this easement was going to be and it will be incorporated into the right of way. The Board of Aldermen have to approve purchases of land for the School anyway. So by any way necessary I think we are covered going to the Board and the Joint Special.

Alderman O'Brien

OK.

Chairman Laws

Thank you Alderman O'Brien. Alderman Klee, do you have your hand up?

Alderman Klee

Yes, thank you so much Chairman. My question is actually going to sound silly, but could you explain what a pinch point is? I think I know what it is, but if it could be explained what a pinch point is, I would appreciate that. Thank you.

Mr. Boudreau

Yes I will. So the pinch point is what I am referring to is inside the right of way boundaries of the roadway. So this is the right of way boundary here on the, I think it's on the west side as we are heading north.

Alderman Dowd

Yes.

Mr. Boudreau

And this is the right of way boundary on the east side of the roadway here. So this proposed roadway widening has to fit, if we don't violate the existing right of way available for the roadway, OK, which is that dash line there. It has to fit between these two lines, this one here and this one here. And what I meant by the pinch point is I have a pinch point here. What is not shown here is this is actually the edge of the road, but we have to fit beyond here is an existing sidewalk that is 5 ½ feet wide. So we have to align this roadway so that when we put this new sidewalk in, the back of the sidewalk will sit right at that pinch point. It can't cross that into this private property.

We would need to hold that here on the Pennichuck side too. If Pennichuck Water said, no we are not willing to give you this easement, we would then need to squeeze this roadway down to fit within this pinch point here and this point here.

Alderman Dowd

The alternative design we looked at was much more problematic on that pinch point on Ferry Road. And getting this easement on the Pennichuck piece makes the road much better designed.

Mr. Boudreau

Yes, it's more consistent in terms of its width and how we can accommodate it. One way to look at this and say, well Steve you've got a lot of room right here, look at all this right of way. Well that right of way is useful if I had a tangent that I could just peddle. What happens is in order to widen this roadway to this left turn lane, I have to meet the existing roadway here and then tie into the existing roadway down here. This is called a reverse curve. And in order to make this alignment work it actually has to shift toward the Pennichuck Water Site, I can't push it any farther in this direction and I can't tighten the alignment because this alignment has to meet guidelines for certain design speeds which this roadway is currently at with this design.

Alderman Dowd

Just a couple of other things for people that might not realize it, this is going to be a lighted intersection and working with DPW and the State as far as the light, the way the light operates and interface with the light on Henry Burke. So all of that is being handled in accordance with all the people that have to get their fingers involved in the design.

Alderman Klee

One quick follow up Mr. Chair?

Alderman Dowd

As long as it is not a Joint Special question.

Alderman Klee

No. I am asking Brandon if I may. Thank you Mr. Chair. I guess my question is to follow up on that is that when you mentioned about the sidewalks, we are not going to lose any width of the sidewalk, right? They will continue to remain the same width, because we do have the school kids that go on it. It's very important that they get plowed and I know they use the sidewalk plows. So I want to make sure we are not losing any sidewalk at all, either on Ferry Road or on Manchester, is that correct?

Mr. Boudreau

That's correct.

Alderman Klee

Thank you very much.

Alderman Dowd

DPW wouldn't allow us to do that and also there's new crosswalks that will be controlled by the lights; much safer getting across that street.

Alderman Klee

Yes, my favorite part. Thank you.

Alderman Dowd

And by the way that landowner loves us putting this in, but anyway I don't want to be taking (inaudible) lot either.

Alderman O'Brien

Mr. Chairman.

Chairman Laws

You can assume this will – yes Alderman O'Brien?

Alderman O'Brien

Yes, I am looking here and what is presented to us is the name. So is this already like part of our existing Old Harris Road and is that going to be the new name or continue? Because being on the Fire Department, my experience between Saturn and Satin, Coburn Ave and Coburn Street, Russell Ave and Russell Street, and the list goes on and on. We already have a Harris Road.

Alderman Dowd

Are we jumping into a new topic Mike?

Alderman O'Brien

Well it's going to go through from what I see R-21-109, I didn't name it but it basically says, "Authorize, Issue in the Building Permits on Old Harris Road". Is that what we are talking about?

Chairman Laws

I believe there's a little bit of confusion; Alderman Dowd just wanted to present this to us before we got started on those.

Alderman O'Brien

Now I understand, OK I thought the two were together. Thank you.

Alderman Dowd

Not related to Harris Road and I think we got everybody nodding in agreement so if we do, I can let Steve and Sam go because – unless Sam wants to stick around and listen about Old Harris Road. And we also are going to have concerns about the tie in and the fence. Steve, I don't know if you want to stick around.

Mr. Boudreau

I can stick around as you need me, Alderman, whatever you'd like. I'll stick around for a little bit. I did want to echo what you had said with regard to where we are. This was an important meeting, I want to thank all the Aldermen and the Chairman because this does now give us the ability to coordinate with the City. Obviously it is what Dan is looking for and where this alignment of this easement goes. We won't move it any further and I understand completely from Pennichuck Water; thank you for that. We will go back dimension and if possible we will increase it in size.

Mr. Goodhue

Alderman Dowd this is Larry Goodhue once again. My understanding is is that first go to the City Engineer to make sure that everything is clear there before Attorney Leonard finalizes the easement agreement so that you know that you've got that in place before that. And as soon as she has that draft prepared, send it off to us and we will make sure that our Attorney turns it around very quickly for you once we have that in hand.

Alderman Dowd

What we will do is they will submit their 25% design and include this and DPW will bless it, the City Engineer rather, Wayne Husband and once that's done we will write the easement and they can go on to their 50% design. And we will work hand in hand with the Pennichuck in all of this.

Chairman Laws

Anything else, Alderman Dowd?

Alderman Dowd

I think that's it for me for now.

Chairman Laws

Well thank you all very much. Alderman O'Brien we can move ahead with the Agenda now. So Communications?

Alderman O'Brien

There are none.

Chairman Laws

So there were some late additions and if you don't mind me just (audio cuts out) because you may not have gotten the updated Agenda.

COMMUNICATIONS

***Without objection, Chairman Laws allowed for suspension of rules for two communications from Planning Manager Matt Sullivan that was received after the agenda was prepared.***

From: Matt Sullivan, Planning Department Manager

Re: R-21-109 Class V I Road Building Permit Request for Pennichuck Solar Array, Old Harris Road, Tax Maps 52 – (1, 7, 14, 23, 24, 28, 39, 49, 61, 65, 81, 82, 85, 96, 97, 104, 118)

From: Matt Sullivan, Planning Department Manager

Re: Referral from Board of Aldermen on Proposed R-21-109 Authorizing Issuing of Building Permits on Old Harris Road, a Class VI Highway

***There being no objection, Chairman Laws accepted the communications and placed it on file.***

UNFINISHED BUSINESS – None

NEW BUSINESS - RESOLUTIONS

**R-21-109**

Endorsers: Mayor Jim Donchess  
Alderman Patricia Klee  
Alderman-at-Large Michael B. O'Brien, Sr.  
Alderman Jan Schmidt  
Alderman Linda Harriott-Gathright  
Alderman Skip Cleaver  
Alderman-at-Large Lori Wilshire

**AUTHORIZING ISSUING OF BUILDING PERMITS ON OLD HARRIS ROAD, A CLASS VI HIGHWAY**

**MOTION BY ALDERMAN O'BRIEN TO RECOMMEND FINAL PASSAGE BY ROLL CALL.**

ON THE QUESTION

Chairman Laws

Mr. Goodhue, would you like to fill us in on what is going on here?

Mr. Goodhue

Actually Alderman Laws, I am going to defer to Mr. Ware to actually carry this discourse; Donald Ware, his role has been the primary representative of the company pursuing this project. He can speak to it much more clearly than I can. So I will turn this over to Mr. Ware, our Chief Operating Officer.

Chairman Laws

Alright, thank you.

Mr. Ware

Good evening again. So the issue at hand here is we have been through the Planning Board Process for the site plan for the proposed 1.6 megawatt solar field which is adjacent or will be adjacent to Old Harris Road. A question came up during the site plan process as to the status of Old Harris Road. Our attorney worked with the City Attorney and looked at that and it was determined that Old Harris Road was a Class VI Road. That being said, for the Building Department to issue a Building Permit off of a Class VI Road they need approval from the Board of Aldermen. And, as such, we are in the process of seeking that approval so that the company that will be building the solar field starting in a late March / early April time frame will be able to pull that building permit because they have the permission to pull one on a Class VI Road as required to be granted by the Board of Aldermen.

Chairman Laws

So I am assuming this continues in perpetuity as a Class VI relisted as a Class VI highway correct; or no, forgive me, I just confused myself. Are there any other questions from any of my fellow colleagues? Alderman Dowd?

Alderman Dowd

We received another email from someone that's on the Conservation Commission and the one thing that concerned me was that Old Harris Road is gated and traffic is not allowed on it because the Pennichuck fence separating the conservation or Pennichuck protected land is on the left side of the fence. The fence is on the right side of Old Harris Road. So there's a gate. There is some question relative to is this a public road and if it's a public road, can it be gated and I think in a minute I am going to ask the Legal Department for a determination but is there anything that we need to do to this road either for one thing Alderman O'Brien brought up about renaming it although I don't know as there are going to be any fires along it. And two, should we just discontinue it now. There is also two other streets that come off Old Harris Road that are in part of, if not the middle of the solar farm which have properties on it that the Pennichuck nor the City owns.

Mr. Ware

So Alderman Dowd, a couple things, there are actually two fences there. The gate is not ours. Our fence is on the left-hand side of Old Harris Road as you proceed easterly. There's a fence on the right-hand side of the road as well and the gate has always been used and the lot on it belongs to the football group, I think they are pee-wee group that practices down on the furthest ballfield down near the bog. And so they drive down that road to use that ballfield for practice. So we ourselves have no problem with the gate being removed because like I said we have a fence that's on the left-hand side all the way down and that fence it actually going to be re-built as part of this project where there will be access at two location. Well actually I stand corrected, our fence is going to wrap around the two lots that we do not own and back to the, what would be the northern side of Old Harris Road. So those two lots, which we have met with both property owners, and they are aware of this, they will still have access to their lots.

The roads going back – and one of those lots is adjacent to Old Harris Road, one is off of Old Harris Road. There was a determination during the site plan process all of the streets other than Old Harris Road were not streets of record, were not paper streets, did not have to be abandoned. So long story short, is we have no objections to that gate coming down. We did not install it initially; not sure who installed the fence on the right-hand side of the property of Old Harris Road. But there's actually, if you drive down there, there are fences on both the left and right-hand side. The left-hand side of the fence is ours; the northern fence, the right-hand or southern fence I honestly do not know who owns that fence.

Attorney Leonard

Chairman, if I may.

Chairman Laws

Yes, of course.

Attorney Leonard

I am going to sort of unpack Alderman Dowd's questions, I think in order. One) Class VI Roads can, in fact, be subject to gates and bars as long as they can be unlocked by the traveling public. So that's in the statute, it would be my recommendation that you wouldn't have to make it a condition of approval per se. It could simply be noted that any gates and bars would have to comply with law. So if there is a reason why it is there we can work on that after. I know I have spoken with the Planning Director and I think there's already been some headway on that to figure it out.

Discontinuance wouldn't necessarily help the applicant in this instance. That's a whole different ball of wax, they are trying to - that's building on a paper street whereas now they are trying to build on a Class VI Road and this is the procedure to do it. They made the agreement, plus discontinuance it would go from the center to the abutter on either side. I don't have a map in front of me, I don't know the area that well but I don't think they own both sides. So that wouldn't necessarily help although it is a process.

As to the name, I know Alderman O'Brien and Alderman Dowd, the Board of Aldermen has authority to name any private or public street in the City. That's a different Resolution but if you want to do so, as long as it, well not as long as, you can do it even if doesn't go in with enhanced 911. But to Alderman O'Brien's point there can be confusing names so if that's something that you all want to take up later, that's within your purview.

Alderman O'Brien

Is everybody in agreement about O'Brien-Dowd Highway?

Chairman Laws

I was going to suggest that.

Alderman Dowd

No it should be Dowd-O'Brien but anyway I have no problem with it staying gated at all. But it looks like we need to determine A) who owns the gate and who owns that fence because we are going to be disrupting it and moving it as part of this project. If it belongs to the School Department, not a problem. If it belongs to somebody else, I don't know who it would belong to because it is either on the School's property or on Hayden Green's property and we need to find that out. Harriman jumped off the thing. But we will find that out tomorrow. If it belongs to the School Department that fence is coming down and we will replace it as necessary. If it is so desired we will replace the gate. And I wasn't quite sure Attorney Leonard what you meant "as long as the public can open it"?

Attorney Leonard

Yeah I know it sounds ... but there it is in black and white in the statute. It says it can be subject to gates and bars as long as it can be unlocked. So then you wonder what good is it?

Alderman Dowd

Because there were very few people that had a key to that lock; it was a locked gate. And one of the people that had a key to it was Attorney Bolton. I don't know who else had one.

Attorney Leonard

I thought you were going to say a good pair of bolt cutters could have handled that problem too.

Alderman Dowd

So I don't know if there's any reason for a fence, I mean a gate. What the heck does the gate do? You know? So we need to find that out because it appears like we may own the gate and the fence and if we do, we will make determination based on whatever the Pennichuck would like to do and whatever the City would like to do relative to that Old Harris Road.

Mr. Goodhue

This is Mr. Goodhue speaking. As Mr. Ware indicated, our fence is on the left side of the road. That is what we are concerned about and we will be reconstructing that in the other project. What happens at the gate now the right side of the road, doesn't matter to us. Whatever you determine works for us.

Alderman Dowd

Good we got that down in formal, so if we own it we are going to do whatever we think is right for the School Project.

Chairman Laws

I won't object to that. Any other questions? Alright, would the Clerk please call the roll?

A viva voce roll call was taken which resulted as follows:

Yea: Alderman Dowd, Alderman Wilshire, Alderman O'Brien 4  
Alderman Laws

Nay: 0

**MOTION CARRIED**

TABLED IN COMMITTEE - None

NEW BUSINESS – ORDINANCE - None

REMARKS BY THE ALDERMEN

Chairman Laws

Mr. Goodhue?

Mr. Goodhue

At the proper juncture I would like to take a few moments to just bring the Committee up to speed on some things that we have talked about in the past. But you let me know when the right time to do that is, Alderman Laws.

Chairman Laws

It's the perfect time.

Mr. Goodhue

Great. So I just thought I would take an opportunity one of our key things is we want to be as communicative as possible to the Aldermen and this is our venue to do that in the Special Water Committee and we appreciate your time. I just wanted to give you an update on a few things that have gone on. As you know COVID-19 is a continuing situation; locally, in the State, in the country and around the world. The Governor has issued a number of Emergency Orders which we are all complying with at this moment relative to this meeting. It is impacting how the City operates and it has had some impact on how the utility operates. I will say as a rule it has not impaired our ability to do our jobs as the regulated water utility that serves both Nashua and 29 other communities within the State through our Regulated Water Utilities.

We have pandemic response protocols as a part of our emergency action and emergency response plans. Last February, I can't believe it is a year ago now, we literally pulled those out, dusted them off and said this thing in China that's coming this way looks like it is coming this way; we've got to be prepared. You know, it's gone to Italy, it has gone elsewhere and it seems inevitable. So our management team got together, we dusted that off, we looked at that and said what are all the protocols that we must put in place relative to how the utility needs to do its job relative to its customers and stakeholders during this pandemic.

And so we did that roll out, kind of a phased in approach and we phased that in. One of the first things that happened was in early March, again nearly a year ago, we actually put ourselves in a remote working environment to the extent possible for our employees. We don't have some employees that can do that. We have got field workers, we still have to repair pipes that are in a trench, we can't do that remotely from somebody's home. We still have to go out and draw water samples, we still have to go out and service booster stations. We have to, you know, make sure we run our water treatment plant and the like. So we did procedures there relative to job sharing, segregated working environment, making sure we had ample PPE, making sure that we did everything in compliance with State guidelines, CDC Guidelines and recommendations. And the good news is, again, we have been able to do our job fully during this entire pandemic.

We have been able to meet the needs, providing safe drinking water to our customers. We have been able to keep our workforce healthy. We have not, to date, had an instance where we had a contamination event at our company. That's not to say that we haven't had some people impacted outside of our company through exposure through a family member of whatever. But because of our protocols and how we have implemented those and we enforce those, none of those instances turned into anything that was catastrophic or anything that was a cross contamination of the workers within our company. So that's been a very favorable thing. So I just want to make sure that the Special Water Committee was aware of that and to pass that on the Board of Aldermen and to the public in this forum.

The next thing I wanted to bring up was the fact that we got a brand new headquarters building if nobody told you. It's located in downtown Nashua, 25 Walnut Street. We didn't want to change our address number so we went from 25 Manchester Street in Merrimack to 25 Walnut Street in Nashua, that was just an important thing that we needed to maintain that 25. I jest a little bit but the good news is, is again that project went full steam ahead during COVID and literally was completed on time. We occupied without occupancy the beginning of November. Again this is the COVID world we live in, we literally had to break our workforce into three groups to vacate our property in Merrimack. Essentially we had people that segregated, made them go in and pack up their offices and then not be at odds with our protective measures. And then to do the same thing on the other side, we had three separate groups, we go in and unpack and set up their new offices.

We have a skeleton crew that still works periodically within the building and again in compliance with our protocols, the vast majority of our workers are still working from home that can and our field workers are still working in the field. So again, we have occupied without occupying. One of the down sides to that is we have not been able to open it up to share the facility even with our own Board of Directors. Mr. Leonard who is on this call with me, has not seen the inside of that building in its completed state at this point in time. We are hopeful that sometime soon we are going to be able to do that with our Board of Directors and with members of the City to come in and take a look at the facility and what has been accomplished. It has turned out wonderfully.

We are set to be in there for the next up to 30 years. We have a 15 year lease with three 5 year extensions and we are planning to be a very long-term tenant downtown Nashua relative to that facility which was constructed for not only current needs but anticipated future needs relative to the building. And in a financially viable and fiducially responsible way in that I was able to negotiate a lease that was better terms than the long-term that our current lease was while still accomplishing the move downtown. So all in all a very positive result and I wanted to make the Special Water Committee aware of those two things.

And then the last thing is we will be seeking to meet with you again sometime in the next month / month and a half. That'll be to talk with you about the results of operations for the full year as well as the Third Quarter Report which is still being generated for you, as well as to talk about the activities that surround the proxy materials that we publish each year relative to the election and reelection of Directors. That will be executed upon at our Annual Shareholder's Meeting at the beginning of May.

So those are the three basic topics that I wanted to cover with you. I don't if our Chairman has anything he would like to add at this time? Mr. Leonard?

Mr. Leonard

Thank you Larry; yes this is Jay Leonard and I am Chairman of the Board. And I don't really have anything to add, I think Larry has said it well. Just a reminder that our Annual Meeting is in May and we will have our typical proxy and financial information for you before that so we can make sure we are in order for that meeting. But thank you very much for all of your help and cooperation on these matters and in particular the building permit tonight, that's a big step. And Don Ware deserves a lot of credit for that; it's a good project for us and the City. Thank you.

Chairman Laws

Alderman Wilshire?

Alderman Wilshire

Thank you Mr. Chairman. I would like to thank Pennichuck. You always come prepared, you have the answers, you have the right people in the room. You have all the information we need; it's been a pleasure to work with all of you. So I would just like to reiterate that every now and again. I mean ever since the whole thing started, you know, it has been a pleasure to work with everyone from Pennichuck. So thank you for that.

Mr. Goodhue

We appreciate that Alderman Wilshire, again Larry Goodhue here for the person who is transcribing. We appreciate the cooperation here and again, one of the things I mentioned is it is our intent to over communicate if anything because we want to keep you informed. So if at any point in time there's information that we are not bringing to the table, please reach out to us. We are more than happy to respond.

Chairman Laws

Alderman Dowd?

Alderman Dowd

Yes, three really quick things. One) I have had lots of people comment on how nice your building is downtown. So you guys did a great job on that building. And looking forward, hopefully after a couple of vaccine shots to come and see the building. The other thing is, the one thing that I didn't know if you wanted to mention is that in this month and more into March, your work in the Kessler Farm Tank Replacement is going to be in progress. And I know you have a meeting slated with the people that live up here to tell them what is going to be going on, which

is great. I will be attending that meeting as well, since I live here. And the other thing is I just want to tell Attorney Leonard that she has the patience of a saint working on another issue that I won't get into. Thanks.

Chairman Laws

Thank you Alderman Dowd. Alderman O'Brien?

Alderman O'Brien

Thank you. I just want to explain because being Chairman of the Infrastructure Committee we do, from time to time, have been approached from several different citizens and address changes and everything. And when I questioned the old Harris Road and street naming, as all of us know, we have the Emergency 911 which exists up in Concord. And in the future, if you put a structure for what you want to build here and that has some form of fire protection or a burglar alarm or something designated to it, then it is going to activate through the 911 system and that's why I kind of want to get ahead of the E-911 System and to make sure that it does have the proper address. Although I am not completely hung up on the O'Brien-Dowd Highway but I can concede to the Dowd-O'Brien Highway equally, but you know, we can work on that at a later date.

But anyways, it is important and I think it would keep it up, because I will say to the Pennichuck folks when you came on looking at the Old Harris Road, I am familiar with the newer one and I am going – where the heck is that except I knew where you were building and I knew of the plan. But if you told me where Old Harris Road, but to our citizens who are listening, where is Olive Street? Where is Washington Street? Where are some of the other bygone streets that no longer exists. So it goes along with that, but thank you.

Chairman Laws

Thank you Alderman O'Brien. Alderman Klee?

Alderman Klee

Thank you Chairman Laws. First, I think Klee Highway sounds much better than either one of those, I don't like hyphenated names. But anyways, getting back to my real point here was that I wanted to thank Pennichuck and Alderman Dowd and everybody else who has been doing so much work, especially Mr. Ware. I know how hard you work on all of these projects. It is good that everything is going so nice and so smoothly. This is such a big project and it is important that we can all get together and work, especially for the school as well as your own. And Mr. Ware I would like to thank you when you commented about having to move the fence and everything, you really seem to have, truly your thumb on every little detail. And I appreciate that, we get everything out on the table right away. So thank you very much.

Chairman Laws

Mr. Goodhue?

Mr. Goodhue

Based on the one point that Mr. Dowd brought up, would you like to have Mr. Boisvert give you the highlights on what is going to be occurring for the Kessler Farm Tank Replacement Project?

Chairman Laws

Absolutely, please.

Mr. Boisvert

This is John Boisvert again from Pennichuck. On or about, well coming up to, well on or about the end of February or so we will start seeing some activity up there. There's a few things we have to do in preparation for the actual removal, our contractor to come in there and remove. Their expected mobilization date would be March 15<sup>th</sup> at this point; that is when their contract will start. By then the tank will be empty, we will have all our other operational provisions in place to run our system without that tank for the next oh probably 10 months or so until the new tank goes on line. So we will start with the actual demolition of the old steel tank. Once that's down, site work, foundation work, for the new tank will begin and it will be a beehive of activity probably right through December 1<sup>st</sup>, probably close to Christmas before we wrap that tank up. It's a fairly large project on a very tight site. We've got some pretty sharp engineers working on the project that are very committed to making sure that we minimize whatever extraneous affects are around there. It is going to be a construction site, that's the thing and we try to make everybody aware of that. But the big thing is if there's and Alderman Dowd knows this, if there's a question or comment or if there is something that we can do better or address, it always helps to know about it and we are certainly going to make it known to the folks up in Kessler Farm that they will have our numbers. They will be able to get in contact with us and we will try and communicate as much and as often as we can. And it would actually, it could make for an interesting summer if everybody is home. It will be kind of an interesting project to watch.

Alderman Dowd

Just one other thing for the people that may or may not be aware, we have already moved the Emergency Communication Antennas off the top of the tank. There's a brand new 88 foot if I am not mistaken tower up there with the antennas on it. It didn't get a lot of publicity until we had it all done. But there was never any drop in service but the Emergency Communication System is all intact and now the tank can be fully demolished and replaced.

Chairman Laws

Thank you Alderman Dowd. Alderman O'Brien?

Alderman O'Brien

I will field it out there to anybody, I know there's got to be a lag time with this transfer of taking down the old tank and putting up the new one. And again going back to several of my experiences, I think you are familiar with the Coburn Ave and everything. Do you anticipate any problems like there was in the past with the, other than the NOP, Normally Operating Pressure, but with the demand with fire that happened up in that upper Coburn Ave section during this particular lag time. And does the two hydrant system still exist on Coburn Ave to supplement that pressure?

Mr. Boisvert

I was not with Pennichuck at that point in time so I might have to defer to Don Ware on that situation. He's been around a little bit longer than I have. But what I will say in preparation of the Kessler Farm Tank rebuild, the 24 inch water main that you see that we installed along with several other improvements out by the airport were designed to sustain our water delivery capabilities in that northwest part, 101A. But we will be going through, as part of our preparation, is we will be doing some testing of our Standard Operating Procedure because, as you know, water demands are relatively low now and we want to make sure the operations of our system will be different for the next few months then it will become May, June, July and August. So we are going through some testing and kind of fallen back on what was done back in 2003 when the tank was repainted, that one the last time, kind of a similar exercise. Things have changed so we are working through those things. But regarding the Coburn I am not 100% sure of the history on that one but if Don wanted to weigh in I would sure let him on that one.

Alderman O'Brien

Well I may be dating myself too. But yeah when they built that tank up at Somerset it did alleviate a lot of those problems and everything. And like you say, it is right in the time and what I am concerned about with people watering as you say, it is around springtime people want the nice green lawns and just trying to get ahead of the curve of any of that, you know?

Mr. Boisvert

Yeah there's always going to be something that will creep up but we are trying to do our best to anticipate those as best we can and part of it is internally we meet with our various departments; Engineering, Distribution, Water Supply so that we know what we are all doing. We know what the goals are, the line of sight that we are trying to achieve and that's kind of where we are at right now.

Alderman O'Brien

But if I can ask Mr. Ware, Mr. Chair? Do you know what I am talking about the Coburn Ave, the double hydrants there, to supplement the pressure?

Mr. Ware

Yes I do Chief. So a number of improvements have been made since the double hydrants were there. One of those was building the pumping station near the High Pine Apartments and in separating the system (audio cuts out) where Coburn Ave or where the Coburn boosters are or that Coburn Woods location is out. But right there, I think it's at the intersection of Shelburne and Coburn Ave two hydrants still exist. There is a closed valve between them and in a worst case scenario you know you can draft off of what is our northwest system and pump into the Coburn Ave area which gets most of its water from the tank up on Butternut Hill.

So again, improvements have been made. One in the delivery the Butternut tank; Two in the pressures along Broad Street and that area because of the construction of High Pine Station. But long answer to a short question those two hydrants exist and it may be something that at some point with careful planning, you could set up and practice that procedure. I say careful planning because like anything, you are at the far reaches of the Coburn System and if you pump into that hydrant in the Coburn System from the Broad or the Northwest System, you will be reversing the flow and we will all be addressing people's colored water without proper planning. But it does exist and is available if you are looking for water and you are up in that area and you want to supplement it, that would be the place to go.

Alderman Dowd

So John I can guarantee one question you are going to get when you have the meeting up here at Kessler Farms is, are they going to lose pressure up here with the tank gone. I know the answer but ...

Mr. Boisvert

Well and again that's the procedure that we are putting in place. I am not going to say that there won't be variations because we are taking you know what is water that is for lack of a better term, dumb water in a tank that's provided nice steady pressure. Now we've got to use combinations of pumps, valves and other things to accomplish the same thing. So there is a little bit of artistry to that, if I could use the term. But it's definitely achievable, it will just be one of those where it's going to take diligence on everybody's part.

Chairman Laws

Thank you. Anybody else? I would just like to echo what my colleagues have said and like I say every meeting, dealing with you gentlemen is relieving to say the least; how well prepared you are, informative. I really, really appreciate it, you make it easy for the rest of us. That being said, there is no non-public session so Alderman O'Brien do you have a motion?

POSSIBLE NON-PUBLIC SESSION - None

ADJOURNMENT

**MOTION BY ALDERMAN O'BRIEN TO ADJOURN BY ROLL CALL**

A viva voce roll call was taken to adjourn the Pennichuck Special Water Committee meeting which resulted as follows:

Yea: Alderman Dowd, Alderman Wilshire, Alderman O'Brien	4
Alderman Laws	
Nay:	0

**MOTION CARRIED**

The meeting was declared closed at 8:08 p.m.

Alderman Michael B. O'Brien, Sr.  
Committee Clerk



**City of Nashua**  
**Planning Department**  
229 Main Street  
Nashua, New Hampshire 03061-2019

Planning & Zoning 603 589-3090  
WEB [www.nashuanh.gov](http://www.nashuanh.gov)

## MEMORANDUM

Date: January 21, 2021

To: Ald. Lori Wilshire, President, and Board of Aldermen  
Ald. Brandon Michael Laws, Chair and Pennichuck Special Water Committee

From: Matthew Sullivan, Planning Manager

RE: Referral from the Board of Aldermen on proposed R-21-109 Authorizing Issuing of Building Permits on Old Harris Road, a Class VI Highway.

At the Nashua City Planning Board's specially scheduled meeting of January 21, 2021 the Planning Board voted unanimously to make a favorable recommendation on R-21-109, authorizing the issuance of a building permit for the construction of the Pennichuck Solar Array with a sole access via Old Harris Road, a Class VI road pursuant to RSA 674:41, as shown on the plans approved by the Planning Board on November 5, 2020, as amended to the date of that approval. The Board finds there is no anticipated impact to City services, that the proposal does not encourage scattered and premature development, AND conditions the recommendation upon the requirement that a release of municipal liability and responsibility, be signed by any owner(s) requesting a building permit on Old Harris Road, with such release(s) to be recorded at HCRD by the owner prior to the issuance of any building permit.

If you have any questions concerning this notification, please contact me at 589-3112.

cc: Mayor Jim Donchess  
Donna Graham, Legislative Assistant  
Susan Lovering, City Clerk  
Scott LeClair, Chair, NPCB  
Sarah Marchant, Community Development Director



# City of Nashua

## Community Development Division

City Hall, 229 Main Street, PO Box 2019  
Nashua, New Hampshire 03061-2019  
www.nashuanh.gov

Community Development	589-3095
Planning and Zoning	589-3090
Building Safety	589-3080
Code Enforcement	589-3100
Urban Programs	589-3085
Conservation Commission	589-3105
Transportation	880-0100
FAX	589-3119

**Date:** January 15<sup>th</sup>, 2021

**To:** Planning Board

**From:** Matt Sullivan, Planning Department Manager

**Memorandum:** R-21-109, Class VI Road Building Permit Request for Pennichuck Solar Array, Old Harris Road, Tax Maps 52-(1, 7, 14, 23, 24, 28, 39, 49, 61, 65, 81, 82, 85, 96, 97, 104, 118)

Board Members:

This memorandum is intended to provide background information related to the Pennichuck Solar Array project on Old Harris Road and the request, via Resolution R-21-109, for approval of a building permit on a Class VI Road pursuant to NH RSA 674:41.

The Nashua Planning Board approved the Pennichuck Solar Array Site Plan Review application on November 5th, 2020. The approval was granted conditionally and included a stipulation requiring that the applicant provide a letter documenting the status of the site's exclusive access road, Old Harris Road. The finding of that letter, attached and prepared by Attorney Nicolas Frasca, is that "Old Harris Road satisfies the definition under the statute as a Class VI road for which the City would have no duty to maintain". Further, it does not appear that the road appears on any subdivision approved by the City of Nashua Planning Board.

New Hampshire RSA 674:41 states that no building permit shall be issued for projects on a Class VI highway, unless:

1. *The local governing body after review and comment by the planning board has voted to authorize the issuance of building permits for the erection of buildings on said class VI highway or a portion thereof; and*
2. *The municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof; and*
3. *Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds.*

The proposed construction of the solar panels approved by the Planning Board requires a Building Permit from the City of Nashua per NH RSA 155-A, the 2015 IBC Section 105.1 Permits Required, and City of Nashua NRO's 105-1,6,7,8 AND 190-264.

As a result, the building permit requires Board of Alderman approval, via Resolution, and comment via referral of that Resolution, from the Planning Board. When considering the request, the Planning Board and Board of Aldermen should primarily consider whether safe and suitable access can be ensured to the site without expansion of City liability and/or encouraging scattered and premature development. Please note that the proposed development is not expected to require any modifications to Old Harris Road and the property owner recognizes that any such improvements would require additional approval.

If approved by the Board of Aldermen, the Owner will be required to sign and record an Agreement and Release document (included within the Resolution document), which delineates several conditions, including a 20' road width maintenance requirement to ensure safe and suitable year-round access. This Agreement and Release also releases the City from liability for maintenance of the road.

Per the attached e-mail from Fire Marshal Adam Pouliot, the Fire Department has reviewed the proposed project and concurs with the proposed 20' road maintenance requirement and approves of the proposed access.

In considering the request/recommendation for building approval, the Board should analyze this request in the context of the following criteria:

1. Road Condition – Does the road have adequate width, drainage, and grade to accommodate the proposed development? **The Engineering Department reviewed the project via the Planning Board application and did not indicate concerns with the road condition. The Fire Department has confirmed that the existing road provides adequate access for fire protection purposes.**
2. Conditions of Connecting Roads – Are the roads leading to the Class VI adequately constructed to handle increased traffic? **The roads leading to the Class VI road, specifically Manchester Street and Ferry Road are Class V, City-maintained streets, and provide adequate access.**
3. Effects on City Services – Will the contemplated development result in a need for increased police, fire/rescue, water, sewer and electric services?
4. Is issuance of the permit likely to result in an “occasion” to lay out the road as a Class V road? **Provided that an Agreement and Release is signed and recorded, there does not appear to be any occasion to lay out the road.**
5. How will the proposed development affect neighboring properties and how well does the proposed development “fit” in to the general growth/development patterns in the Town? **The project was favorably reviewed by the Planning Board and conditionally approved on 11/5/2020. Therefore, the project is compatible with the Master Plan, development regulations, and planning and orderly development of the community.**
6. Will the issuance of said building permit tend to distort the City’s street map or Master Plan? **See above.**
7. Will the issuance of said building permit place a new financial burden on the City with regard to the maintenance and repair of required infrastructure (i.e. cutting/clearing, electric, drainage, roads, etc.)? **The project will require the installation of underground electric within the Old Harris Road Right-Of-Way. However, this work will be completed by the private property owner (or their agent) and ongoing maintenance will not be required by the City. The owner, via the Agreement and Release, will be required to perform required maintenance of the street.**

Should the Board be prepared to proceed with a motion, the Planning Department recommends consideration of the following action:

***Motion to recommend approval of Resolution R-21-109, authorizing the issuance of a building permit for the construction of the Pennichuck Solar Array with a sole access via Old Harris Road, a Class VI road pursuant to RSA 674:41, as shown on the Plans approved by the Planning Board on November 5<sup>th</sup>, 2020, as amended to the date of that approval. The Board finds there is no anticipated impact to City services, that the proposal does not encourage scattered and premature development, AND conditions the recommendation upon the requirement that a release of municipal liability and responsibility, be signed by any owner(s) requesting a building permit on Old Harris Road, with such release(s) to be recorded at HCRD by the owner prior to the issuance of any building permit.***

I am available to answer any questions related to this request should the Board or public have them.

Thank you,



Matt Sullivan, Planning Department Manager

cc:

Sarah Marchant, Community Development Director  
Celia K. Leonard, Esq., Deputy Corporation Counsel