

A special meeting of the Board of Aldermen was held Wednesday, June 23, 2021, at 7:05 p.m. in the aldermanic chamber as well as via Zoom teleconference.

President Wilshire

And I am going to take just a moment to just say to the Aldermen and anyone else in this Chamber that the people of Nashua expect more from us than what happened last night and I think that they expect more, as far as decorum, and they deserve more. So I just want to leave that out there. That's it.

President Lori Wilshire presided; City Clerk Susan Lovering recorded.

Prayer was offered by City Clerk Susan Lovering; Alderman Tom Lopez led in the Pledge to the Flag.

To join by Zoom – please refer to the agenda or the website for the meeting link and telephone number.

Let's start the meeting by taking a roll call attendance. When each member states their presence, please indicate if participating via Zoom state why you are not meeting in person and whether there is anyone in the room with you during this meeting which is required under the Right-To-Know Law.

City Clerk Lovering called the roll and asked them to state the reason he or she could not attend, confirmed that they could hear the proceedings, and stated who was present with him or her.

The roll call was taken with 8 members of the Board of Aldermen present: Alderman Michael B. O'Brien, Sr., Alderman, Alderman Richard A. Dowd, Alderman Thomas Lopez, Alderman David C. Tencza, Alderwoman Elizabeth Lu, Alderman Ernest Jette, Alderman Brandon Michael Laws and Alderman Wilshire.

Alderman Patricia Klee, Alderwoman-at-Large Shoshanna Kelly, Alderman June M. Caron, Alderman-at-Large Ben Clemons, Alderman Jan Schmidt, Alderman Skip Cleaver and Alderman Harriott-Gathright were recorded absent.

Mayor James W. Donchess, Corporation Counsel Steven A. Bolton were also in attendance.

President Wilshire to turn the meeting over to Alderman-at-Large Michael B. O'Brien, Sr.

ROLL CALL

Alderman O'Brien

I am present and I am in the Chamber.

Alderman Dowd

I am present and in the Chamber.

Alderman Lopez

I'm here, I am in the Chamber.

Alderman Tencza

Present.

Alderwoman Lu

Here.

Alderman Jette

Here.

Alderman Laws

Here.

President Wilshire

I am here.

Susan Lovering, City Clerk

You have 8 physically in attendance.

President Wilshire

Thank you very much. As is customary, also with us this evening is Corporation Counsel Steven Bolton. As is customary, I will turn the meeting over to the Chair of the Infrastructure Committee, Alderman-at-Large Mike O'Brien.

Chairman O'Brien

Thank you Madam President. Before us this evening is a public hearing on R-21-147. At this particular time, members of the public will be able to come up and give us testimony in favor. After the completion of the testimony in favor, I will then ask for testimony in opposition. I will then again ask for those who did not get the opportunity to speak for testimony in favor, I will re-ask the question for that testimony and then repeat again for testimony in opposition. When people do come forward, please state for the record your name and your address and then also there will be a time limit as per our custom of three minutes. So therefore, I will open up the Hearing. I am looking for anybody who would like to come forward and discuss testimony in favor.

Steve Bolton, Corporation Counsel

Just a correction the Public Hearing is on the Petition for Street Discontinuance. It is not on the Resolution for the conveyance of that discontinued portion.

Chairman O'Brien

Thank you Attorney. Yes, this is for the discontinuance as stated by Corporate Counsel, so yes, thank you.

Alderman Dowd

Are you going to have somebody explain? We usually give somebody an opportunity to explain.

Chairman O'Brien

Alderman Jette? If not, I can if you wish.

Alderman Jette

No I'd be happy to take a stab at it but I think Attorney Westgate is on the meeting.

Chairman O'Brien

Mr. Westgate would you like to explain what we are doing here.

Attorney Westgate

I'd be happy to, Mr. Chairman and members of the Board. Thank you all for giving us the chance to appear tonight. My name is Brad Westgate, I am lawyer with Winer & Bennett, 111 Concord Street in Nashua. I represent Etchstone Properties, the petitioner. I submitted a letter at the end of last week, Mr. Chairman, to the Board that summarized the purpose of the petition and the reasons behind it. In a nutshell, it is pretty straight forward. Groton Road on the north side of it, Etchstone Properties obtained Planning Board approval to develop 25 single family unit conservation subdivision which now is in the process of development. (Inaudible) ownership. Hayner Swanson the project surveyors and engineers did a lot of research determining the status of Groton Road as part of their typical detailed analysis of any project that they seek approvals for.

What they found was that there were two areas of Groton Road that were laid out many, many years ago. One area which we call Discontinuance Area A in our Petition is a set of a couple triangles on the north side of Groton Road that was laid out in 1799, if you can believe that. Many years later in 1937 the State realigned Groton Road. So what you see now for Groton Road as you go out there is what was established by the State in 1937. But these old triangles along the north side in Etchstone's property, remember this continued. So they are not used, they haven't been used for all this time but they are technically not discontinued streets.

In 1847 there was another section of probably what was intended to be Groton Road. Hayner Swanson found that too but couldn't plot it, couldn't put it on a plan in effect. So it may be likely does go through this Terrell Farm project but it can't be found if you will. So neither these sections of what I would call the Old Groton Road in our petition are used today. They are not necessary to be used, they serve no purpose but it is the kind of thing that a developer and new property owner would want to move off the books if you will out of the record of title because they are merely a historic encumbrance of no purpose. We have been before the Planning Board, the Planning Board gave a favorable recommendation last week to the proposal. As I said, I submitted a letter that summarized the purposes as well. Corporation Counsel has reviewed the application, she's been very judicious and cooperative with me, came up with good ideas on it. The fundamental conclusion that Corporation Counsel Celia Leonard came to was that the City be granted an easement for two portions of sidewalk that will be on Terrell Farm Property, there's going to be a sidewalk along part of this project, some of which is in the Groton Road right of way; a couple of pieces of which are not. We agree because obviously we were going to build that sidewalk anyway, it was a condition of approval from the site plan granted by the Planning Board but we certainly understand and agree that we should grant an easement to the City for those portions of the sidewalk on the Terrill Farm piece.

Attorney Leonard has revised the Memo that she sent to the Board that correlates into Resolution 21-147 that Corporation Counsel Bolton just referenced. We are in full agreement with the approach Attorney Leonard has suggested. I don't want to take up any other time, Mr. Chairman of the Board, you have items tonight. I am happy to answer any questions. We will stay on the meeting during your Infrastructure Committee Meeting, Mr. Chairman, if there's questions there. I assume the Board will simply address it internally then but I will stay available if you need any further information from us. And we thank you very much.

Chairman Dowd

Thank you Attorney Westgate. Any comments or questions from members of the Board to Attorney Westgate? Seeing none, thank you sir. Alright to get back to the business at hand, I will now open up the Hearing for the Petition of Street Continuance of Old Groton Road with testimony in favor. Is there anybody in attendance in the Chamber or on Zoom? If you are on Zoom, please raise your hand, hopefully I will be

able to see that and you will be recognized to speak. Again to remind you, there is a three minute limit. So therefore, I will open up to testimony in favor.

PUBLIC HEARING

PETITION FOR STREET DISCONTINUANCE – (OLD) GROTON ROAD

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION - None

TESTIMONY IN FAVOR - None

TESTIMONY IN OPPOSITION – None

Attorney Westgate

Mr. Chairman I neglected to just indicate that in the Chamber tonight is David Petropulos who is Treasurer of Etchstone Properties; Tom Zajac, the Project Engineer at Hayner Swanson and on Zoom in Jaron Slattery, President of Etchstone Property. I just wanted to know that these gentlemen were in attendance. Thank you.

Chairman O'Brien

Thank you Attorney Westgate.

Chairman O'Brien closed the public hearing on the Petition for Street Discontinuance (Old) Groton Road at 7:17 p.m. I would like to remind the public that immediately following this we are going to go into the Infrastructure Committee Hearing where this will be brought up again as well as other items. So please stand by.

ADJOURNMENT

MOTION BY ALDERMAN LOPEZ THAT THE JUNE 23, 2021, SPECIAL MEETING OF THE BOARD OF ALDERMEN BE ADJOURNED, BY ROLL CALL

A viva voce roll call was taken to adjourn the Board of Aldermen meeting which resulted as follows:

Yea: Alderman O'Brien, Alderman Dowd,
Alderman Lopez, Alderman Tencza,
Alderwoman Lu, Alderman Jette, Alderman Laws,
Alderman Cleaver, Alderman Wilshire

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Nay:

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MOTION CARRIED

The meeting was declared adjourned at 7:18 p.m.

Attest: Susan Lovering, City Clerk