

7:00 PM

Aldermanic Chamber

1. ROLL CALL
2. PUBLIC COMMENT
3. PRESENTATION
 - General Infrastructure Project Updates
4. COMMUNICATIONS
5. UNFINISHED BUSINESS
6. NEW BUSINESS – RESOLUTIONS

R-25-195

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman Patricia Klee

AUTHORIZING DEED WAIVERS FOR CERTAIN PROPERTIES

7. NEW BUSINESS – ORDINANCES

O-25-061

Endorsers: Alderman Tim Sennott
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman-at-Large Melbourne Moran, Jr.
Alderman Derek Thibeault
Alderman Richard A. Dowd

AUTHORIZING A STOP SIGN ON WELD STREET AT ITS INTERSECTION WITH OLDFIELD ROAD**O-25-064**

Endorsers: Mayor Jim Donchess
Alderman-at-Large Michael B. O'Brien, Sr.
Alderman-at-Large Melbourne Moran, Jr.

AMENDMENTS TO PERMITTED PARKING AREAS

8. PETITIONS
9. TABLED IN COMMITTEE
 - Petition - L Deerwood Drive - Lot H-103
Tabled at 2/28/24 meeting
10. GENERAL DISCUSSION
11. PUBLIC COMMENT
12. REMARKS BY THE ALDERMEN
13. ADJOURNMENT



RESOLUTION

AUTHORIZING DEED WAIVERS FOR CERTAIN PROPERTIES

CITY OF NASHUA

In the Year Two Thousand and Twenty-Five

WHEREAS, RSA 80:76 sets forth the procedure for conveying tax deeded properties to the City;

WHEREAS, pursuant to RSA 80:76 II the governing body may refuse to accept a deed when “acceptance would subject the municipality to potential liability as an owner of property under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. section 9601 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. section 6901 et seq., RSA 147-A and 147-B, and any other federal or state environmental statute which imposes strict liability on owners for environmental impairment of the real estate involved;”

WHEREAS, pursuant to RSA 80:76 II-a, the governing body may refuse to accept a deed whenever in its judgment “acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks, including obligations under real estate covenants or obligations to tenants, or for any other reason would be contrary to the public interest. Such a decision shall not be made solely for the private benefit of a taxpayer;” and

WHEREAS, the City has identified properties eligible for tax deed, however, acceptance of ownership would not be in the City’s best interest.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby directed not to execute a tax deed on the properties listed in **Exhibit A** attached hereto; pursuant to RSA 80:76 III, the Board may revisit this decision at any time and may later direct the Tax Collector to issue a deed for the property subject to this directive.

This resolution shall take effect immediately upon its passage.

City of Nashua NH**Exhibit A****2022 Tax Levy****Properties to be Waived for Tax Deed****DEED DATE: SEPTEMBER 3, 2025 (execution 9/10/25)**

Property Address	PID	Map/Lot/Block	Property Type	2024 Assessed Value	Total Outstanding Bal	Waiver Reason
1 Ayer Rd	1550	0000G/00088	Sgl Fam	485,200	\$127,113.32	Liability Risk
181 East Hollis St	1830	0024/00050	Garage	533,500	\$437,493.05	Environmental Impairment
7 Gary St - Rodger's	1932	0000D/00107	MFH	115,600	\$6,782.57	Liability Risk
3 Mapleshade Dr - Jensen's	1978	0000D/00051	MFH	125,600	\$6,172.06	Liability Risk
15 Oak Grove Trail - Jensen's	4194	0000D/00139	MFH	109,200	\$14,604.52	Liability Risk
11 Bangor St - Thornton	4804	0000H/00031	MFH	204,400	\$11,238.60	Liability Risk
8 Meadow Ln - Jensen's	6756	0000D/000139	MFH	76,600	\$14,457.01	Liability Risk
2 Ponderosa Ave - Rodger's	9236	0000D/00019	MFH	141,500	\$8,849.37	Liability Risk
17 Ridgefield Dr - Jensen's	9496	0000D/00051	MFH	73,600	\$4,447.35	Liability Risk
38 Farmwood Dr - Jensen's	10284	0000D/00051	MFH	83,800	\$12,803.94	Liability Risk
77 Farmwood Dr - Jensen's	10344	0000D/00051	MFH	125,600	\$25,800.68	Liability Risk
9 Eric Ave - Rodger's	10856	0000D/00019	MFH	90,100	\$5,780.49	Liability Risk
10 Shawn Ave - Rodger's	11860	0000D/00019	MFH	163,700	\$16,210.64	Liability Risk
15 Skyview Dr - Jensen's	11914	0000D/00051	MFH	111,100	\$19,511.80	Liability Risk
1 Mercury Ln - Rodger's	12130	0000D/00029	MFH	181,100	\$15,508.52	Liability Risk
16 Shawn Ave - Rodger's	12216	0000D/00019	MFH	76,300	\$20,397.78	Liability Risk
14 Sunrise Trail - Jensen's	14320	0000D/00139	MFH	146,200	\$10,115.75	Liability Risk
15 Winding Lane - Jensen's	14390	0000D/00051	MFH	125,800	\$9,772.16	Liability Risk
111 Coburn Ave U-184G	16430	0000F/00079	Condo	367,400	\$73,392.90	Liability Risk
19 Shadycrest Dr - Jensen's	17110	0000D/00051	MFH	116,200	\$6,914.45	Liability Risk
49 Chickie St - Pitary's	18094	0000D/00063	MFH	143,700	\$50,905.66	Liability Risk
15 Birch Ridge Trail m- Jensen's	19848	0000D/00139	MFH	270,900	\$17,252.77	Liability Risk
36 Ridgefield Dr - Jensen's	20910	0000D/00051	MFH	107,600	\$12,598.06	Liability Risk
6 Larchen Ln - Thornton	22692	0000H/00031	MFH	202,700	\$12,497.66	Liability Risk
21 Sunrise Trail - Jensen's	23702	0000D/00139	MFH	130,700	\$5,644.08	Liability Risk

515 West Hollis St	24826	0000E/01381	Land	214,600	\$58,063.50	Environmental Impairment
111 Coburn Ave U-81l	30962	0000F/00079	Condo	313,200	\$43,544.86	Liability Risk
1074 West Hollis St	31520	0000D/00141	Sgl Fam	541,800	\$103,184.21	Liability Risk
43 Ridgefield Dr - Jensen's	33618	0000D/00051	MFH	70,100	\$5,688.21	Liability Risk
1 Ridgefield Dr - Jensen's	34716	0000D/00051	MFH	112,000	\$9,181.43	Liability Risk
29 Birch Ridge Trail - Jensen's	35072	0000D/00139	MFH	83,300	\$20,341.54	Liability Risk
11 Mark St - Rodgers	38847	0000D/00107	MFH	236,400	\$36,043.78	Liability Risk
17 Lunar Ln Rodger's	40496	0000D/00029	MFH	155,900	\$18,681.35	Liability Risk
9 Louisburg Sq, U-6	41195	0000A/00508	Condo	284,200	\$12,730.36	Undesirable Obligations
55 Lake St U-B-2	42123	0099/00030	Condo	56,500	\$10,617.04	Liability Risk
55 Lake St U-B-3	42124	0099/00030	Condo	38,100	\$7,474.96	Liability Risk
55 Lake St U-B-7	42127	0099/00030	Condo	70,100	\$12,150.64	Liability Risk
63 Trestle Brook Dr	44061	0000D/00318	MFH	176,100	\$12,158.13	Liability Risk
9 Ponderosa Ave - Rodger's	49273	0000D/00019	MFH	199,700	\$9,323.28	Liability Risk
0 L White Oak Dr	49560	0000H/00630	land	18,500	\$3,303.96	Environmental Impairment
0 L White Oak Dr	49561	0000H/00631	land	18,000	\$3,205.48	Environmental Impairment
62 Tanglewood Dr	49793	0000D/00533	Sgl Fam	1,159,900	\$410,542.40	Federal Litigation
0 L Broad St	50327	00000F/01435	land	17,200	\$2,903.81	Environmental Impairment
0 L Normandy Way	50401	0000F/01509	land	13,900	\$2,657.01	Environmental Impairment
2 Shadycrest Dr - Jensen's	50403	0000D/00051	MFH	256,500	\$30,631.78	Liability Risk
L Intervale St	14308	0070/00013	Land	300,900	\$113,066.76	* Environmental Impairment
11 Warsaw Ave	14312	0134/00016	Land	31,300	\$107,278.55	* Environmental Impairment
66 Fairmount St	14314	0070/00014	Land	48,800	\$28,840.63	* Environmental Impairment
L Hughey St	14316	0134/00040	Land	105,400	\$35,355.54	* Environmental Impairment
L Hughey St	50573	0134/00041	Land	91,400	\$23,816.03	* Environmental Impairment
L Hughey St	50574	0134/00061	Land	100,900	\$25,294.43	* Environmental Impairment

* = principal only

LEGISLATIVE YEAR 2025

RESOLUTION:

R-25-195

PURPOSE:

Authorizing deed waivers for certain properties

SPONSOR(S):

Mayor Jim Donchess

**COMMITTEE
ASSIGNMENT:**

Committee on Infrastructure

FISCAL NOTE:

None.

ANALYSIS

This legislation authorizes deed waivers for certain properties. When a tax deed is waived, “the tax lien shall remain in effect indefinitely, retaining its priority over other liens. The taxpayer's right of redemption as provided by RSA 80:69 shall likewise be extended indefinitely, with interest continuing to accrue as provided in that section. ... If at any time, in the judgment of the municipal governing body, the reasons for refusing the tax deed no longer apply, and the tax lien has not been satisfied, the governing body may instruct the collector to issue the tax deed, and the collector shall do so after giving the notices required by RSA 80:77 and 80:77-a.” RSA 80:76 III.

Approved as to form:

Office of Corporation Counsel

By: /s/ Celia K. Leonard

Date: August 1, 2025



ORDINANCE

AUTHORIZING A STOP SIGN ON WELD STREET AT ITS INTERSECTION WITH OLDFIELD ROAD

CITY OF NASHUA

In the Year Two Thousand and Twenty-Five

The City of Nashua ordains that Part II “General Legislation”, Chapter 320 “Vehicles and Traffic”, Article III “Stop and Yield Intersections”, Section 320-4 “Stop intersections”, subsection D of the Nashua Revised Ordinances, as amended, be hereby further amended by adding the following new underlined language in the appropriate alphabetical order:

“§ 320-4. Stop intersections.

...

- D. The following intersections are hereby designated as stop or through streets, and authority is hereby granted for the erection of a stop sign at the corner so designated in accordance with the tenor of this chapter:

Stop Sign on	Sign Location	At Intersection of
...		
<u>Weld Street</u>	<u>Northwest corner</u>	<u>Oldfield Road</u>
...		

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

This ordinance shall become effective at the time of removal and/or installation of the necessary sign(s) and/or device(s).

LEGISLATIVE YEAR 2025

ORDINANCE:

O-25-061

PURPOSE:

Authorizing a stop sign on Weld Street at its intersection with Oldfield Road

ENDORSER(S):

Alderman Tim Sennott

**COMMITTEE
ASSIGNMENT:**

Committee on Infrastructure

FISCAL NOTE:

Materials, Labor and Vehicle Overhead: \$171

ANALYSIS

This legislation authorizes a stop sign on Weld Street at its intersection with Oldfield Road as described in the legislation.

The erection, removal and maintenance of all traffic control devices must conform to applicable state statutes and the latest edition of the Manual on Uniform Traffic Control Devices. RSA 47:17 VIII (a). The Board should consult with the city's Traffic Engineer to determine if this ordinance is in compliance.

Approved as to form:

Office of Corporation Counsel

By:

Douglas Clarke

Date:

16 July 2025



ORDINANCE

AMENDMENTS TO PERMITTED PARKING AREAS

CITY OF NASHUA

In the Year Two Thousand and Twenty-Five

The City of Nashua ordains that the Nashua Revised Ordinances, Part II “General Legislation”, Chapter 320 “Vehicles and Traffic”, as amended, be hereby further amended by adding the new underlined language and deleting the struck-through language as shown:

1. In Article XI “Parking Meters”, Section 320-48 “Parking meter lots”:

“§ 320-48. Parking meter lots.

The following described areas lying within the corporate limits of the City are designated as public parking areas and shall constitute parking meter lots in the listed zones:

A. Zone II.

- (1) Railroad Square parking lot.
- (2) Le Parc de Notre Renaissance Francaise parking lot. ~~{will be deleted pursuant to O-23-068 amended at the completion of Water Street and Le Parc de Notre Renaissance Francaise construction and the time of removal and installation of the appropriate signs}~~
- ...

2. In Article XI ½ “Parking Permits”, Section 320-53 “Permitted spaces and fees”:

“§ 320-53. Permitted spaces and fees.

- A. The Parking Department may authorize the issuance of parking permits, provided that an ample number of unused spaces are available on a regular basis to accommodate such permitted spaces. The fee for each parking space is payable on a quarterly basis if issued to a business or corporation and on a monthly basis if issued to an individual.

B. The following monthly fees apply:

Tier	Facilities	Universal	Full-Access	Day-Use	Off-Peak
1	Le Parc Renaissance Lot, Water Street Lot, Pearson Avenue Lot, Spring Street Lot	\$200.00	\$125.00	\$100.00	\$75.00
2	High Street Lot, Factory Street Lot, Elm Street Garage, High Street Garage		\$100.00	\$75.00	\$50.00
3	Pine Street Extension Lot, Maple Street Lot		\$75.00	\$50.00	\$30.00
4	School Street Parking Garage	<u>Not included</u>	<u>\$300.00</u>	<u>Not available</u>	<u>Not available</u>

- (1) Universal leaseholders can park any time in any of the listed facilities except in the School Street Parking Garage, and except in lots during city declared snow emergencies.
- (2) Full-Access leaseholders can park at any time only within their designated facility.
- (3) Day-Use leaseholders can park only within their designated facility between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday.
- (4) Off-Peak leaseholders can park only within their designated facility between the hours of 6:00 p.m. and 8:00 a.m. the following day (e.g. overnight). This lease will also grant the right to park within the designated facility between 6:00 p.m. on Friday and 8:00 a.m. the following Monday and on major holidays.

...

This ordinance shall take effect either upon passage or after any necessary equipment and/or signage has been reprogrammed or installed.

LEGISLATIVE YEAR 2025

ORDINANCE:

O-25-064

PURPOSE:

Adjustments to permitted parking areas

ENDORSERS:

Mayor Jim Donchess

**COMMITTEE
ASSIGNMENT:**

Committee on Infrastructure

FISCAL NOTE:

Shifts some potential revenue from parking permits to meters and vice versa.

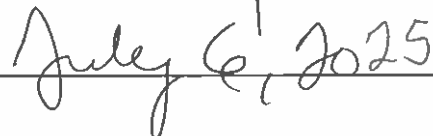
ANALYSIS

This legislation makes amendments to permitted parking areas as shown in the legislation.

Approved as to form:

Office of Corporation Counsel

By: 

Date: 

Steven A. Bolton
Corporation Counsel
BoltonS@nashuanh.gov

Celia K. Leonard
Deputy Corporation Counsel
LeonardC@nashuanh.gov

229 Main Street
P.O. Box 2019
Nashua, NH 03061-2019



**CITY OF NASHUA
OFFICE OF
CORPORATION COUNSEL**

Dorothy Clarke
Deputy Corporation Counsel
ClarkeD@nashuanh.gov

T: (603) 589-3250
F: (603) 589-3259
Legal@nashuanh.gov

MEMORANDUM

TO: Board of Aldermen
Donna Graham

FROM: Celia K. Leonard, Deputy Corporation Counsel
Matt Sullivan, Community Development Director

DATE: May 3, 2023

RE: ***Deerwood Drive Petition***

Enclosed please find the "Deerwood Drive Petition" which the petitioner has requested be placed on the Board's agenda for consideration.

City staff has been in communication with the petitioner regarding the details of the petition, including the amendment to the "Proposed Notice of Limits of Municipal Liability and Responsibility for Class VI Highway pursuant to RSA 674:41."

City staff will provide comments to the Petition, including an updated and amended "Proposed Notice of Limits of Municipal Liability and Responsibility for Class VI Highway pursuant to RSA 674:41" during the committee process for consideration.



**Cronin
Bisson &
Zalinsky P.C.**
Attorneys at Law

722 Chestnut Street | Manchester, NH 03104
p. 603.624.4333 | f. 603.623.5626
www.cbzlaw.com

Daniel D. Muller, Jr.
Admitted in NH
Email: dmuller@cbzlaw.com

February 22, 2022

City of Nashua Board of Mayor and Alderman
P.O. Box 2019
Nashua, New Hampshire 03061

Re: L Deerwood Drive, Nashua, New Hampshire, Lot H-103
Request to Allow Issuance of Building Permits under RSA 674:41

Dear Mayor Donchess and Honorable Board Members:

Our office represents Vivian Jean Adams, the owner of the above-referenced property (the "Property"), which is shown in the City's assessing records as Lot H-103. The Property is currently undeveloped. A copy of the plan of the Property is attached hereto as Exhibit "A." However, Ms. Adams seeks to allow for the construction of a single-family home on the Property. To that end, Ms. Adams applied for and obtained a frontage variance from the City of Nashua Zoning Board of Adjustment. Ms. Adams now seeks permission from the Board of Mayor and Aldermen, as the governing body of the City, to allow for the issuance of building permits for the Property under RSA 674:41.

The proposed development would be accessed via an access driveway extending from the end of Massasoit Road and over a portion of L Deerwood Drive. A plan of the proposed access, which was designed by a professional engineer, is attached hereto as "Exhibit B." Massasoit Road is shown as a public highway on the City of Nashua GIS map and was originally dedicated to public servitude through the recording of Plan No. 2103 in the Hillsborough County Registry of Deeds in 1961. Said plan shows the Massasoit Road right of way intersecting with what is currently L Deerwood Drive. However, the western end of the Massasoit Road right of way has not been improved or maintained and, therefore, is a Class VI highway. L Deerwood Drive was formerly known as Bloods Crossing Road and was described in historical deeds to the Property as the "highway leading from Blood's Crossing to the Pine Hill road." The road has been depicted on various recorded plans. While a portion of the L Deerwood Drive north of its intersection with the North Fork of Blood Crossing Road (i.e. north of the Property) has been discontinued, the portion of L Deerwood Drive upon which the Property front is identified as a public highway on the City's GIS system as well as several plans recorded in the Hillsborough County Registry of Deeds. While a portion of L Deerwood Drive upon which the Property front is current unimproved, another portion of the same appears to have been improved to some extent. It is unclear whether the City has maintained any portion of L Deerwood Drive even after inquiries to the City and, therefore, Ms. Adams is presuming that the same is a Class VI highway for purposes of RSA 674:41.

Mr. James Donchess, Mayor
City of Nashua Board of Mayor and Aldermen
February 22, 2022
Page 2

The City of Nashua Fire Department reviewed Ms. Adams' proposed development, including access driveway, in connection with the filing of the frontage variance. The City of Nashua Fire Department, through its Fire Marshall, offered the following comments:

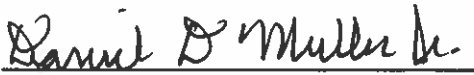
- The driveway would need to meet the minimum width of a fire lane which is 20 feet.
- The minimum of 20 feet needs to be maintained at all times. No parking signs would be needed along the roadway.
- A fire department access road shall extend to within 50 feet of at least one exterior door.
- Dead end fire department access roads in excess of 150 feet in length shall be provided with approved provisions for the fire apparatus to turn around.
- Vertical clearance shall be 13' 6"
- The road shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with an all-weather driving surface.
- How would we address this home? The property is on Deerwood but the access is off of Massasoit.

Ms. Adams recognizes that the concerns of the City of Nashua Fire Department will have to be addressed relative to the access if the Board allows for a building permit to be issued for the Property and that Exhibit B may have to be modified to reflect any agreement between the parties as to the design. Some of the comments, such as the twenty-foot width, reflect legal requirements under the State Fire Code.

By statute, an owner of a property obtaining relief under RSA 674:41 must record a notice in the applicable county registry of deed relative to the limits of municipal responsibility and liability. Attached as Exhibit "C" please find the proposed Notice of Limits of Municipal Liability and Responsibility for Class VI Highway Pursuant to RSA 674:41, which would be recorded in the Hillsborough County Registry of Deeds prior to the issuance of any building permit for the Property.

We thank you in advance for your consideration of this request. If you have any questions or require additional information, please feel free to contact me.

Sincerely yours,
CRONIN BISSON & ZALINSKY, P.C.

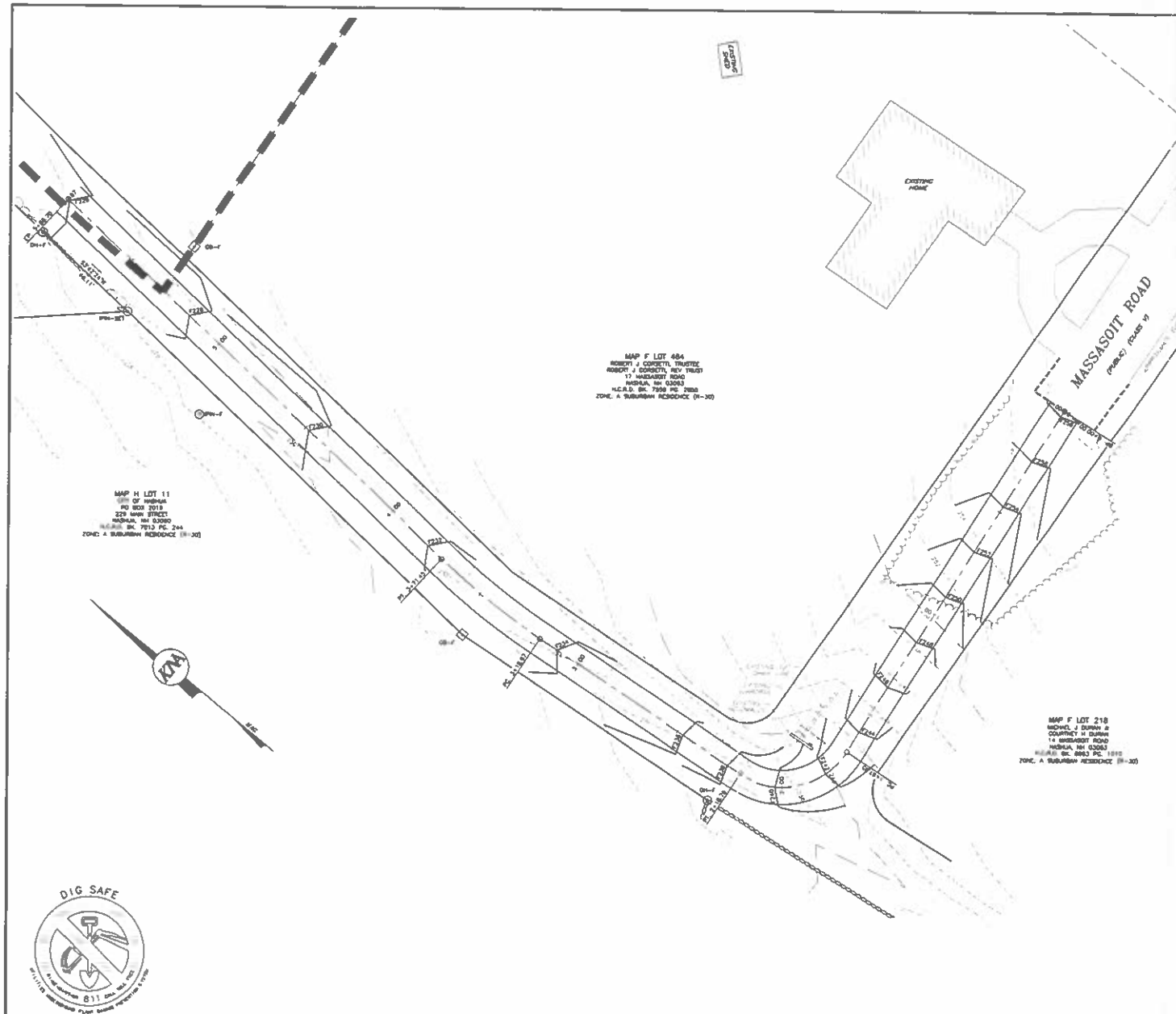
By: 
Daniel D. Muller, Jr.

DDM:bms

cc: Ms. Vivian Jean Adams
Mr. Matthew Sullivan, Director, City of Nashua Planning Department

EXHIBIT A

EXHIBIT B



LEGEND

- G.P. 1 GRAVITY SOUND FOUND
- G.P. 2 IRON PIPE FOUND
- G.P. 3 DRILL HOLE FOUND
- G.P. 4 IRON PIPE FOUND
- ADJUTER LINE
- PROPERTY LINE
- QUADREAN
- DRAINAGE LINE
- TIE LINE
- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- SIDEWALK
- BUILDING SETBACK
- EASEMENT
- 10' CONTOUR
- 2' CONTOUR
- PROPOSED EDGE OF PAVEMENT
- PROPOSED 2' CONTOUR



ROADWAY PLAN
LAND OF VIVIAN ADAMS
MAP H LOT 103
 DEERWOOD DRIVE
 NASHUA, NEW HAMPSHIRE
 HILLSBOROUGH COUNTY

PREPARED FOR:
 VIVIAN ADAMS
 74 MARSHALL STREET
 NASHUA, NH 03060

KMA KEACH-HORSTROM ASSOCIATES, INC.
 Civil Engineering Land Surveying Landscape Architecture
 18 Colburn Park North, Suite 300, Bedford, NH 03019 Phone (603) 887-3880

REVISIONS			
No.	DATE	DESCRIPTION	BY

DATE: AUGUST 5, 2020 SCALE: 1"=20'
 PROJECT NO: 16-0815-1 SHEET: 2 OF 3



EXHIBIT C

**NOTICE OF LIMITS OF MUNICIPAL LIABILITY AND RESPONSIBILITY
FOR CLASS VI HIGHWAY PURSUANT TO RSA 674:41**

Agreement and Release

NOW COMES **Vivian Jean Adams** (hereinafter, the "Owner"), of 74 Marshall Street, Nashua, New Hampshire 03060, (the "Owner") and the **City of Nashua** (hereinafter, the "City"), a municipal corporation existing under the laws of the State of New Hampshire with a principal address of 229 Main Street, Nashua, New Hampshire 03061-2019, and agree as follows with respect to certain property situated in the City of Nashua, County of Hillsborough, State of New Hampshire:

WHEREAS the Owner is the record owner of certain real property located at L Deerwood Drive, City of Nashua, County of Hillsborough, State of New Hampshire and identified as Tax Map, Lot in the City of Nashua assessing records pursuant to a deed dated October 10, 2002 and recorded in the Hillsborough County Registry of Deeds at Book 6738, Page 320 (the "Property");

WHEREAS the Property is located on Deerwood Drive (hereinafter, the "Road") in the City of Nashua, County of Hillsborough, State of New Hampshire;

WHEREAS the portion of Deerwood Drive upon which the Property fronts is a Class VI highway as classified by New Hampshire Revised Statutes Annotated 229:5;

WHEREAS, the access way to the Property would pass over not only a portion of the Road, but a currently unimproved portion of the Massasoit Road right of way (hereinafter, the "Right of Way"), which would be a Class VI highway as classified by New Hampshire Revised Statutes Annotated 229:5;

WHEREAS the City, pursuant to R-___ - ___, passed on _____, 202_, has agreed that a building permit may be issued for the construction of a single-family home on the Property, subject to any conditions of approval, any regulations or any ordinances which may otherwise govern such construction, upon the filing of the within notice pursuant to New Hampshire Revised Statutes Annotated 674:41;

NOW THEREFORE, the Owner and the City, on behalf of themselves, their heirs, legal representatives, successors and assigns, covenant and agree as follows:

1. The City shall allow for the issuance of building permits for the Property for the construction of a structure subject to any existing conditions of approval as well as any regulations or ordinances which may govern the construction of any structure thereon.
2. The City neither assumes responsibility for maintenance, including snow plowing, nor liability for any damages resulting from the use of the Road and Right of Way.

3. The owner of the Property shall be responsible for maintaining access to the Property and do hereby forever release and discharge the City, its officers, agents and employees from the obligation of maintaining the Road and Right of Way, to the extent the same remain a Class VI highways, and from any claim of any nature, whether in tort or otherwise, which the owner of the Property might have against the City for any loss or damage, including those incurred through failure to provide municipal services, including police, fire and ambulance services, arising out of the condition of the Road and Right of Way.
4. That the owner of the Property assumes responsibility for transporting any children from the Property to the nearest regular school bus stop.
5. That the owner of the Property assumes responsibility for the maintenance and repair of the Road and Right of Way and agrees that at her expense or at the expense of herself and other owners of properties similarly located on the Road or Right of Way, to repair and maintain the traveled portions of the Road and Right of Way in a good and passable condition;
6. This agreement is for the benefit of the City for the purposes set forth and shall not provide any affirmative rights to any other party or owner along Deerwood Drive or Massasoit Road to require any level of maintenance or access to any other parcel.
7. This Agreement shall run with the land and be binding on any grantees, successors, or assignees of the Owner. Without limiting the foregoing, this Agreement shall be binding on any future owners of L Deerwood Drive.

IN WITNESS WHEREOF, the parties have set their hands and seals this ____ of _____, 202_.

OWNER

Witness

Vivian Jean Adams

STATE OF NEW HAMPSHIRE
HILLSBOROUGH, SS.

This instrument was acknowledged before me on _____ 202_ by Vivian Jean Adams.

Justice of the Peace/Notary Public
My Commission expires:

CITY OF NASHUA
By Its Mayor, Duly Authorized

Witness

James Donchess, Mayor,
Its duly authorized agent

STATE OF NEW HAMPSHIRE
HILLSBOROUGH, SS.

This instrument was acknowledged before me on _____ 202_ by James
Donchess, as Mayor on behalf of the City of Nashua.

Justice of the Peace/Notary Public
My Commission expires:

Board of Aldermen

City of Nashua
229 Main Street
Nashua, NH 03061-2019
(603) 589-3030



MEMORANDUM

TO: Planning Board

FROM: Donna Graham, Legislative Affairs Manager

DATE: May 10, 2023

SUBJ.: Referral from Board of Aldermen

Petition – L Deerwood Drive, Lot H-103

Please be advised that the Board of Aldermen met on May 9, 2023 and referred the above-referenced Petition – L Deerwood Drive, Lot H-103 to the Committee on Infrastructure and Planning Board for their review and recommendation.

Please be advised that a Special Board of Aldermen public hearing has been scheduled for Wednesday, June 28, 2023 at 7:00 p.m. in the Aldermanic Chamber.

Also, could you please send me an abutters list so I can prepare the certified letters.

The Board looks forward to receiving your recommendation with respect to the proposed Petition. Please forward your recommendation to my attention at your earliest convenience and also advise the date it will appear on your next meeting. Thank you in advance.

Attachment – Petition

Board of Aldermen

City of Nashua
229 Main Street
Nashua, NH 03061-2019
(603) 589-3030



May 24, 2023

HAND DELIVERED

City of Nashua
PO Box 2019
229 Main Street
Nashua, New Hampshire 03061-2019

**RE: Petition – L Deerwood Drive, Nashua, New Hampshire, Lot H-103
Request to Allow Issuance of Building Permits under RSA 674:41**

Dear Abutter:

The Board of Aldermen will hold a public hearing on Wednesday, June 28, 2023, at 7:00 p.m. at City Hall in the Aldermanic Chamber, second floor, 229 Main Street, Nashua, regarding the above-referenced Petition request to allow issuance of building permits under RSA 674:41. Attached is a copy of the Petition.

Pursuant to RSA 675:7 of the New Hampshire State Statutes, notice of this public hearing is being sent to owners of property which are abutters to Lot H-103 on Deerwood Drive. The Board of Aldermen invite you to participate at the public hearing in person to express your comments regarding these changes.

You can also submit your comments via e-mail to the Board at BOA@nashuanh.gov or by mail (please make sure to include your name/address and comments) by 5 p.m. on June 28, 2023 and read into the record at the appropriate time. Letters should be addressed to City of Nashua, Board of Aldermen, PO Box 2019, Nashua, NH 03061.

Thank you.

Sincerely,

Donna L. Graham
Legislative Affairs Manager

Enclosure

cc: Mayor Jim Donchess
Steven A. Bolton, Corporation Counsel
Sam Durfee, Planning Manager



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Admitted in NH
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December 20, 2024

Matthew Sullivan, Director
City of Nashua Planning Department
229 Main Street
P.O. Box 2019
Nashua, New Hampshire 03061

Re: L Deerwood Drive, Nashua, New Hampshire, Lot H-103
Request to Allow Issuance of Building Permits under RSA 674:41

Dear Mr. Sullivan:

As you are aware, our office represents Vivian Jean Adams, the owner of the above-referenced property (the "Property"), which is shown in the City's assessing records as Lot H-103 and is currently undeveloped. Ms. Adams filed a request with the Board of Mayor and Aldermen to allow for the issuance of building permits relative to that portion of Deerwood Drive adjacent to the Property under RSA 674:41 in February 2022. During the hearings before the Committee on Infrastructure, the possibility of the sale of the Property to the City arose. The City made an offer based upon an appraisal suggesting that the value of the Property was less than half of its assessed value at the time. After the City reassessed the Property and found it to be even more valuable than it previously had, Ms. Adams made a counteroffer based upon the increase in assessed value together as well as offers previously made by third parties for the Property. Ms. Adams had asked for a response from the City by a date certain, but no response has been forthcoming. Given that she had pursued the right to develop the Property for several years now and other personal circumstances, Ms. Adams can no longer afford to continue to wait for an answer. As such, please accept this letter as a withdrawal of the offer to sell the Property to the City and a request that the matter be returned to the Committee on Infrastructure for a recommendation to the Board of Mayor and Aldermen and final action by the latter body on the earliest possible dates.

Ms. Adams has pursued this relief based upon the representation that the improved roadway adjacent to a portion of her Property is a Class VI highway. However, in the event that relief is denied by the Board of Mayor and Aldermen and she elects to challenge such denial, Ms. Adams reserves the right to assert that the City insisted that she obtain relief which was not required. Deerwood Drive, formerly Bloods Crossing Road, was laid out in the 18th century. A portion of Deerwood Drive adjacent to the Property has been improved and maintained apparently as an airport security road. The Nashua Airport is a publicly owned airport managed by the Nashua Airport Authority; a political corporation identified as a City board. The Nashua Airport Authority is empowered, in part, to construct and maintain airport improvements and facilities. As such, the

Matthew Sullivan, Director
City of Nashua Planning Department
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maintained in suitable condition for travel by a public entity, which means the Property's frontage would not be limited to a Class VI highway.

Additionally, as I have observed in prior correspondence, assuming that the improved portion of Deerwood Drive is a Class VI highway, it is still a public highway by statute and open to use by the public in general. The Nashua Airport has blocked off the improved portion of Deerwood Drive in order to use it as a security road for the Airport. Such action is plainly unlawful under existing legal precedent and, in the event relief is denied, Ms. Adams, as an abutter, would request that the Board of Aldermen order the Airport to remove the barriers on Deerwood Drive and direct it not to further impede public use of the road. To the extent that the removal of the barrier creates issues for the operation of the Airport, it will be an issue of the Airport's and City's making.

We thank you in advance for your consideration of this request. If you have any questions or require additional information, please feel free to contact me.

Sincerely yours,
CRONIN BISSON & ZALINSKY, P.C.

By: Daniel D. Muller Jr.
Daniel D. Muller, Jr.

DDM:bms

cc: Ms. Vivian Jean Adams
Mr. Frank Goodspeed
Mr. Michael O'Brien, Chairman, Committee on Infrastructure