

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

DECEMBER 20, 2005

A meeting of the Planning and Economic Development Committee was held on Tuesday, December 20, 2005 at 7:04 p.m. in the Aldermanic Chamber.

Chairman David Rootovich presided.

Members of the Committee present: Alderman Richard LaRose, Vice Chair
Alderman Rob Shaw
Alderman Kathryn D. Vitale

Members Not in Attendance: Alderman David MacLaughlin

Also in Attendance: Alderman-at-Large Brian S. McCarthy
Michael Lowe, Planning Board Liaison

COMMUNICATIONS

From: Alderman-at-Large Brian S. McCarthy
Re: Resolution R-05-270

MOTION BY ALDERMAN LAROSE TO ACCEPT AND PLACE ON FILE
MOTION CARRIED

UNFINISHED BUSINESS - None

NEW BUSINESS – None

HELD IN COMMITTEE

MOTION BY ALDERMAN VITALE TO TAKE FROM THE TABLE R-05-270
MOTION CARRIED

R-05-270

Endorser: Alderman-at-Large Brian S. McCarthy
Alderman Kevin E. Gage
Alderman David D. Lozeau
Alderman-at-Large James R. Tollner

Authorizing CLarification and CONVEYANCE OF A conservation easement upon certain lands owned by the city of nashua to

An appropriate agency; AND AUTHORIZING THE SALE OR LONG-TERM LEASE OF AN APPROXIMATELY FOUR-ACRE PARCEL OF SAID LAND TO THE NATURE OF THINGS, LLC D/B/A SECOND NATURE ACADEMY, SUBJECT TO THE CONSERVATION EASEMENT, In keeping with the provisions for an Educational use within the conservation easement, FOR USE AS A PRIVATE ELEMENTARY SCHOOL, PRE-SCHOOL, DAYCARE, AND SUMMER CAMP, ALL WITH AN EMPHASIS ON THE ENVIRONMENT

MOTION BY ALDERMAN VITALE TO AMEND R-05-270 IN ITS ENTIRETY BY REPLACING IT WITH THE AMENDED VERSION ATTACHED TO ALDERMAN MCCARTHY'S MEMORANDUM ACCEPTED EARLIER THIS EVENING
MOTION CARRIED

MOTION BY ALDERMAN VITALE TO RECOMMEND FINAL PASSAGE AS AMENDED
ON THE QUESTION

Chairman Rootovich

Alderman McCarthy it appears to me that this legislation has completely changed from the original intent. I would assume we would have a new resolution with a first reading. Also, I know the Planning Board originally gave the resolution an unfavorable recommendation – I assume this is going to go back to the Planning Board since this has dramatically changed – also to get an opinion back from them. Those are my two procedural questions. The concern I have is that my understanding is that the Auburn Society have a tendency when you give them land, I just heard you speaking to Alderman Lozeau earlier, but when you give them land it is very difficult to get anything back or any concessions from them if needed. If you could address those three things.

Alderman McCarthy

That is the purpose of conservation easements is to stop the land from being disturbed afterwards. By way of history there is a resolution, which passed, which is almost identical to the one that is in front of you. As a procedural matter, we can make amendments to resolutions and I don't see any problem with simply substituting this for the one that was in front of us. What this does is we had some years back passed a resolution which authorized the granting of conservation easements on this exact set of parcels of properties to the New Hampshire Forest Society, which had a fairly complex process for withdrawing lands from the easement in it, which was not acceptable to the Society. They felt that it was not meaningful. There is a provision in there, and I think it is still in this one, for the withdrawal of a parcel for an education center. What the intent was is that when you recall they had the discussions with the Nature of Things about locating in that area they are quite supportive of the idea that the land around the pond be protected by a proper easement. We also have an issue with the Hermanson's who own the rest of the frontage around Lovewell's Pond who will, when we have an acceptable easement, grant an easement on their property, which protects the entire shoreline of the pond.

The nature of the property that we are looking at is one that it is very difficult to envision any intrusion onto those properties that would not in fact be dangerous to the pond itself. I guess what I am proposing is simply that we remove the offending part of the current easement, and that we allow ourselves to choose which of the appropriate agencies we would grant that easement to. The intention is to protect the land, which is a decision that the Board made some years ago but passed a piece of legislation that was not acceptable to the grantee of the easement.

Chairman Rootovich

What about the issue with the Planning Board?

Alderman McCarthy

I don't know that we require Planning Board approval to grant the easement. The original legislation because it dealt with the transference of city owned property, was sent to the Planning Board for an opinion. This is around granting an easement on conservation land, and does not cause I don't think anything that would normally be referred to the Planning Board.

Chairman Rootovich

Are there any further questions or concerns?

Alderman Vitale

Did you say that it would still allow the educational center to be built?

Alderman McCarthy

I haven't looked at that language recently.

Alderman Vitale

I say that because I don't mind the protection of the land, but I don't think I agree with the building of an educational center even if it is conservation minded.

Alderman McCarthy

As a pragmatic issue in four years of looking we have found no interest in anybody building the education center so I don't think it would be ...

Chairman Rootovich

If you look under II, Use Limitations, it clearly says what you can use it for – primarily for agriculture and forestry, and it says you cannot use it for any buildings or dwellings at all.

Alderman Vitale

Good. Okay.

Alderman McCarthy

Section C of Part III Reserve Rights, which is on the 5th page of the Agreement allows us to withdraw five acres for an education center. You will also see in the very fine print in small letter ii that it disallows that from being on tracks 25-43 or 25-42, which are the ones that abut Lovewell's Pond. The properties that had allowed it on were the properties, which are on the opposite side of Ridge Road from Lovewell's Pond, which is a dry, sandy area. I would not be adverse to striking that section from the easement, but like I say pragmatically I don't see that it has a lot of problems with leaving it in either.

Chairman Rootovich

Alderman McCarthy this is the same parcel that at one time we wanted to build a fire house on correct?

Alderman McCarthy

No I don't believe it is. I don't remember which parcel the firehouse was going to be on – I believe it was on Gilson Road. This is not those. This is the parcels that are on the other side on the two sides of Old Ridge Road and Ridge Road around Lovewell's Pond and projecting in towards Buckmeadow Road. These are pieces that one abuts Sam Tamposi Park and the other one is the Hugh Grant Conservation Area. It also abuts a piece of property that is being transferred to city ownership as part of the mitigation for the site improvements at Building 19.

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Alderman Vitale

I would prefer that the area be struck and language be such that if there would be any requests for such type of thing that would have to come back before the Board so you know more about what actually was being proposed. Even though it is only 5 acres in size... I don't know that much about the property and what that really would look like ...

Alderman McCarthy

I believe it takes an act of this Board to exercise that portion of the agreement.

Alderman Vitale

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Okay.

Chairman Rootovich

Are there any further questions or comments?

MOTION CARRIED

ADJOURNMENT

MOTION BY ALDERMAN SHAW TO ADJOURN

MOTION CARRIED

The meeting was declared adjourned at 7:14 p.m.

Alderman Kathryn D. Vitale
Committee Clerk