



**CITY OF CONCORD**  
*New Hampshire's Main Street™*  
***Community Development Department***

**REPORT TO THE MAYOR AND CITY COUNCIL**

**FROM:** Carlos P. Baía, Deputy City Manager for Development  
**DATE:** October 25, 2021  
**SUBJECT:** Request from Ms. Patricia Michaud of 395 N. State Street

**Recommendation**

Accept this report recommending that the emergency lane designation for Abbottville Road not be released and that City property not be conveyed to the requestor.

**Background**

At its July meeting, City Council referred a letter from Ms. Patricia Michaud of 395 N. State Street seeking release of the emergency lane designation over the private travel way that is Abbottville Road as well as requesting that the City convey—at no cost—a portion of its abutting property and that the City continue to plow the northern outlet of this same road.

**Discussion**

The emergency lane designation covers the full length of Abbottville Road—approximately 1,210 linear feet—and serves 4 homes, including Ms. Michaud's, and one commercial property (former Corriveau Routhier site). This designation was approved by City Council after a public hearing on January 18, 2000 under the provisions of RSA 231:59-a. This designation allows for the City to keep the private road passable for emergency vehicles and affords the residential properties along it with curbside trash collection. Ms. Michaud did not own the property at the time of this designation.

Snow plowing is a critical concern in emergency lane designation. Due to its narrowness and congestion in many spots, the City plows the entirety of Abbottville Road in a single direction typically entering at the north—closest to Ms. Michaud's home—and exiting at the south by the site of the former Corriveau Routhier. If Ms. Michaud's request were granted, plowing of the remaining portion of Abbottville Road along her neighbors' properties would be extremely challenging, if not impossible, without incurring unacceptable safety or liability concerns with City equipment. Ms. Michaud herself appears to recognize this challenge in her letter when she writes "the only thing they [her neighbors] would possibly lose is plowing." Ms. Michaud does

claim that two of her neighbors “have 4-wheel drive trucks with plows” justifying that “they should have no reason to complain.” However, Ms. Michaud has not provided the Council with any confirmation from her neighbors on Abbottville Road supporting her request.

In addition, because this is an emergency lane, curbside trash collection is presently allowed. Were Ms. Michaud’s request to be granted, the City’s solid waste contractor would no longer be able to service her property “curbside” on Abbottville Road. Ms. Michaud recognizes this and states in her letter that she would put her trash where Abbottville Road outlets onto N. State Street. The spot identified by Ms. Michaud is City property and the location has no sidewalk and is just beyond the apex of a significant curve on Route 3. Placing trash there for pick-up would create a safety hazard with a stopped trash vehicle and would not be supported by the City.

Ms. Michaud also requests that the City convey a portion of abutting property it owns to her for “free.” In recent instances where abutters have requested a portion of City land to augment their own properties, the Council has only contemplated such a transaction in return for financial compensation.

Finally, Ms. Michaud requests that if the emergency lane designation is lifted and she is given a portion of the abutting City land, that the City would still plow the outlet from Abbottville Road to North State Street (the spot where the City owns all of the abutting land). However, without an emergency lane designation, the City would have no legal or practical obligation to continue this practice and, as such, this outlet would not be plowed.

For all of the reasons cited above, staff does not recommend that Ms. Michaud’s request be granted.

On a related note, in reviewing this matter, it was discovered—based on the City’s aerial mapping—that there appears to be an encroachment of a building or structure on the abutting City land in the vicinity of Ms. Michaud’s property (see attached aerial photo). The Code Administration office will review the issue and take any necessary action.

w/att.

1. Letter from Ms. Pat Michaud
2. Aerial photograph of Abbottville Road